

HANDBOOK OF INFORMATION

REGARDING THE

CORRECTIONAL INSTITUTIONS

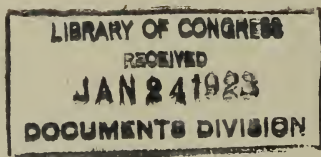
OF THE
STATE OF NEW YORK



New York (State) PREPARED BY THE
PRISON DEPARTMENT
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Handbook of Information.

THIS pamphlet aims to state in concise form the method of government and administration of the laws relating to correctional institutions in the State of New York. The organization of the government of the State of New York is substantially the same as that of the Federal Government, and the counties comprising the commonwealth of the State correspond in the main to the several States which form the integral parts of the Union. The State government is divided into three parts: the executive, the legislative and the judicial. Each of the parts is restricted to the exercise of its own legitimate functions.

The legislative powers of the State are vested in two houses, the Senate and the Assembly. The Senate consists of 51 members elected for a term of two years, and the Assembly of 150 members chosen by the people at annual elections.

The executive power of the State is vested in the Governor, who holds office for two years; and in the Lieutenant-Governor, who holds office for the same time; the Secretary of State, the Comptroller, the Treasurer, the Attorney-General, the State Engineer and Surveyor, all chosen by the votes of the people at the general elections for two-year terms.

All laws voted by the legislature are made in conformity with the Constitution of the State, which is the fundamental law, with which all statutes must be consistent.

The Constitution of the State directs the following provisions of administration in relation to penal and eleemosynary institutions of the State:

State Prisons.

THE SUPERINTENDENT OF STATE PRISONS.

The Superintendent of State Prisons receives his appointment from the Governor (by and with the consent of the Senate), which he holds for a term of five years. He has general supervision of the State prisons, the convicts therein, and the discipline, police, contracts and penal concerns thereof.

He appoints agents and wardens, physicians and chaplains of the prisons. The agents and wardens appoint the other officers, except the clerk of each prison, subject to the approval of the Superintendent. The State Comptroller appoints the clerks of the prisons. The State prisons receive from the county and supreme courts of the State persons sentenced for a definite or an indefinite period of time, not less than one year, upon conviction for felony. The State prisons, three in number, are as follows:

Auburn Prison, located at Auburn;

Sing Sing Prison, located at Ossining;

Clinton Prison, located at Dannemora;

The State Prison for Women, at Auburn. This prison is under the same management as the State prison for men at Auburn, except that it is under the immediate supervision of a matron.

There are also under the administration of the Superintendent of Prisons a

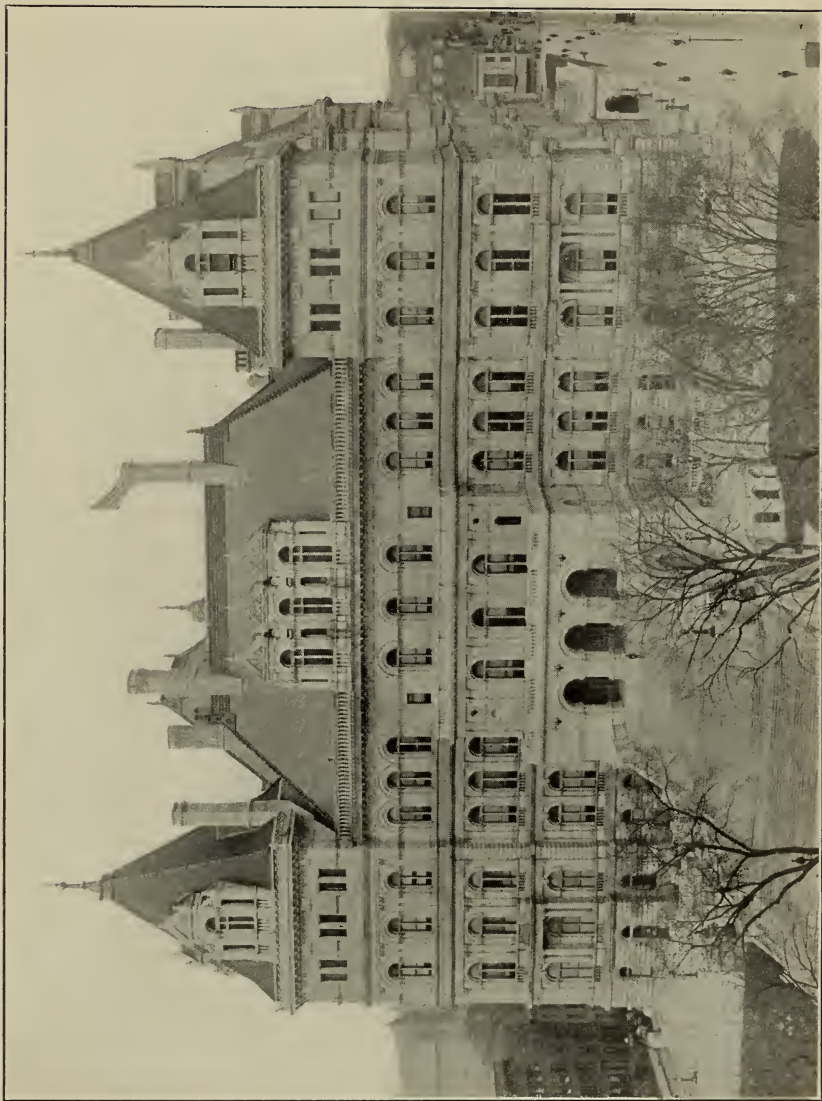
State Hospital for Insane Criminals, at Matteawan;

State Hospital for Insane Convicts, at Dannemora.

There is in course of construction at Comstocks an additional State prison with a capacity of 1,200 inmates, and plans are already prepared for a prison at Wingdale, Putnam county, to be called Harlem Prison.

POPULATION OF PRISONS.

The population of the prisons is about 5,000 inmates, about equally divided among the three prisons, although at the prison at Sing Sing there are practically 300 more inmates than the average of the other two prisons. The law directs that prisoners convicted of felony within the judicial districts contiguous to the several prisons be sentenced to the State prison nearest the place of conviction. More than 70 per cent. of all the population of the State resides in New York City and in the district contiguous to Sing Sing Prison; it is because of this that a like proportion of all the convicts come to Sing Sing Prison, and are from there transferred to the other prisons of the State.



State Capitol, Albany, N. Y.

CLASSIFICATION.

Since 1897 the prisoners in the New York State prisons have been classified on the basis of their criminal records into groups, as follows:

Group A.—Prisoners serving their first term for felony.

Group B.—Prisoners serving their second terms for felony.

Group C.—Prisoners who have already served two or more terms for felony.

The first offenders are retained at the prisons to which they were originally committed.

The second offenders received at Sing Sing and Clinton Prisons are transferred to Auburn; and members of Group C that are received at Sing Sing and Auburn are transferred to Clinton. Each group is kept by itself, so the association of first offenders with professional and persistent criminals is avoided. A sub-classification of each group, based on conduct in prison, is effected by the system of honor bars.

TUBERCULOSIS.

In the classification of the population of the prisons it is a settled policy of the Superintendent to transfer to Clinton Prison, at Dannemora, every inmate who has any tendency to tubercular diseases. The region about Dannemora is exceedingly favorable to consumptives. Within its borders many private sanatoria have been established for the care and treatment of persons suffering from lung troubles. The State has also established in this delightful and healthful location a hospital for the treatment of incipient tuberculosis. The salubrity of the Dannemora climate was early recognized by the prison authorities, and the transfer of prisoners for the benefit of their health has been occurring since 1889. In 1903 the Legislature provided for the completion of a prison hospital to be devoted entirely to the treatment of tuberculosis. Every known means for the treatment of this disease is here provided, and the hospital is, in construction and administration, quite the best of any prison hospital in the country.

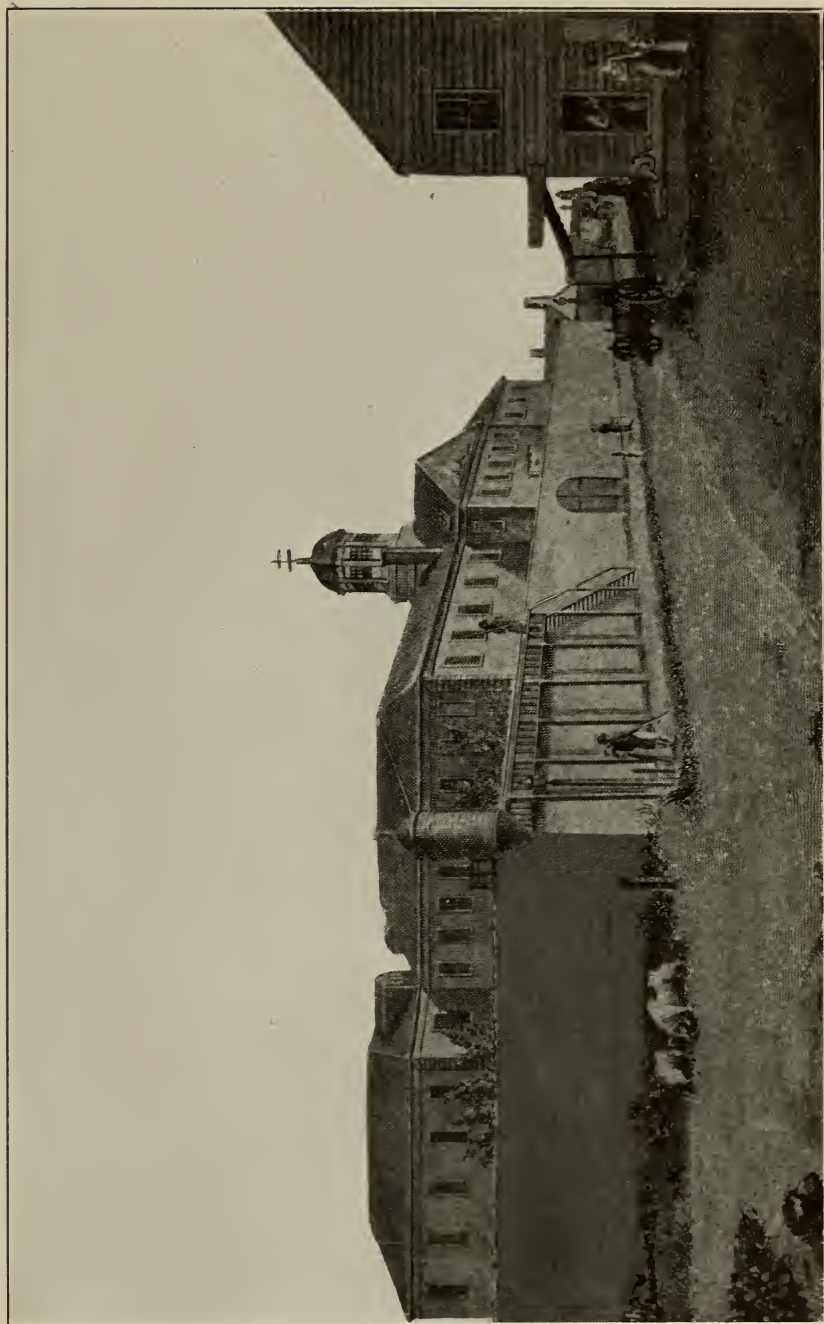
The number of convicts under treatment in the Tuberculosis Hospital varies from 425 to 450, and the percentage of cures, or such improvement as enables the patient to return to his

home at the end of the period of his sentence, is about 95 per cent. of those treated. The population of the prisons is largely recruited from the densely settled sections of the great cities, particularly New York City, where good sanitation is practically impossible. Coming from such surroundings, it is remarkable that even a larger proportion of the inmates of the prisons are not afflicted with this dreadful disease.

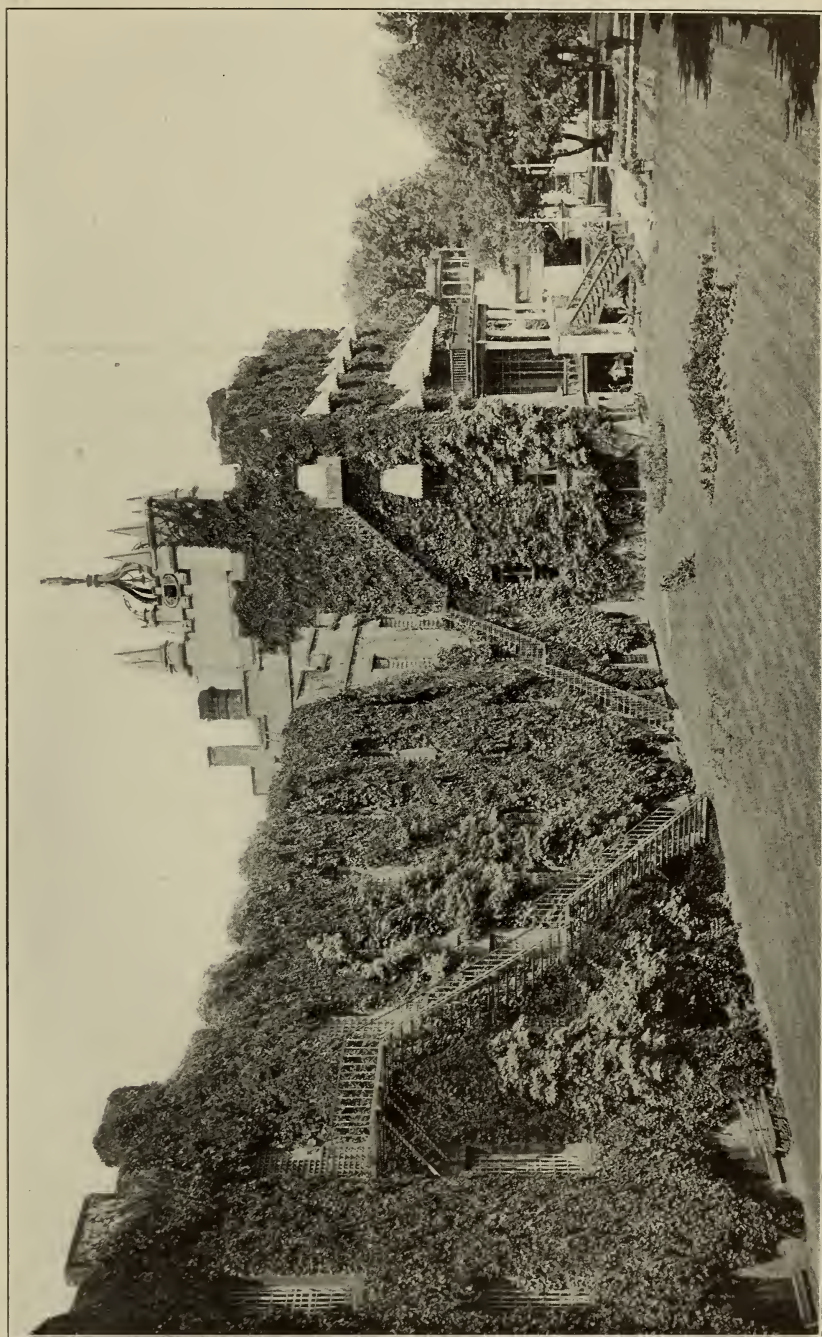
The Superintendent of State Prisons, the Warden and the physicians in charge of this hospital, are justly proud of the results so far obtained, and believe that great benefit may come to the delegates to the International Prison Congress, and through them to the world, by the dissemination of information obtained by visiting this new departure in prison administration. An invitation is extended to the foreign delegates to avail themselves of this privilege, and transportation will be provided without expense to the delegates from New York to Dannemora and return as the guests of the Prison Department of New York; details of this excursion will be furnished on the arrival of the foreign delegates in New York.

PRISON SCHOOLS.

The schools in the State prisons have been organized by the State Superintendent of Prisons to fit the peculiar conditions and needs of the prison population. The curriculum of the prison schools differs from that of the ordinary common school in that it is made to apply to adult illiterates, in order to carry them along to a point where their reasoning faculties will enable them better to direct their hands to mechanical endeavors. The very large proportion of foreign-born inmates in the State prisons makes it further more necessary to adjust the course of study to include the elements of the English language and some instruction as to the government of the country and the duties of citizenship. At each prison a suitable number of well-lighted schoolrooms are provided, and a head teacher is engaged to instruct and supervise the convict teachers in their duties. Approximately 1,500 men in the prisons now attend school an hour and a half every day except Sundays and holidays. The progress made by these adult scholars is remarkable. The results in a reformatory way from the schools are



New York's First State Prison, known as Newgate Prison.



Exterior, Auburn Prison.

more potent than from any other agency, except perhaps from the industrial training, which, accompanying the schools, forms a co-ordinate branch of the scholastic training.

PRISON INDUSTRIES.

The industrial activities of the State prisons are based on the theory that it is absolutely necessary to the health and well-being of the convicts in the prisons to provide continuous employment at productive work. The organization of the industrial system contemplates the presence of the same general conditions that obtain in the outside world, and provides that the convicts shall be so placed that the work they perform in prison shall fit them on their release for such a place in the outside world as shall enable them to earn their living by honest efforts. The business direction of the system is vested in the Superintendent of the State Prisons, who appoints a deputy who has immediate charge and direction of the whole system, assisted by superintendents in each of the prisons and a financial director in the office of the Superintendent at Albany.

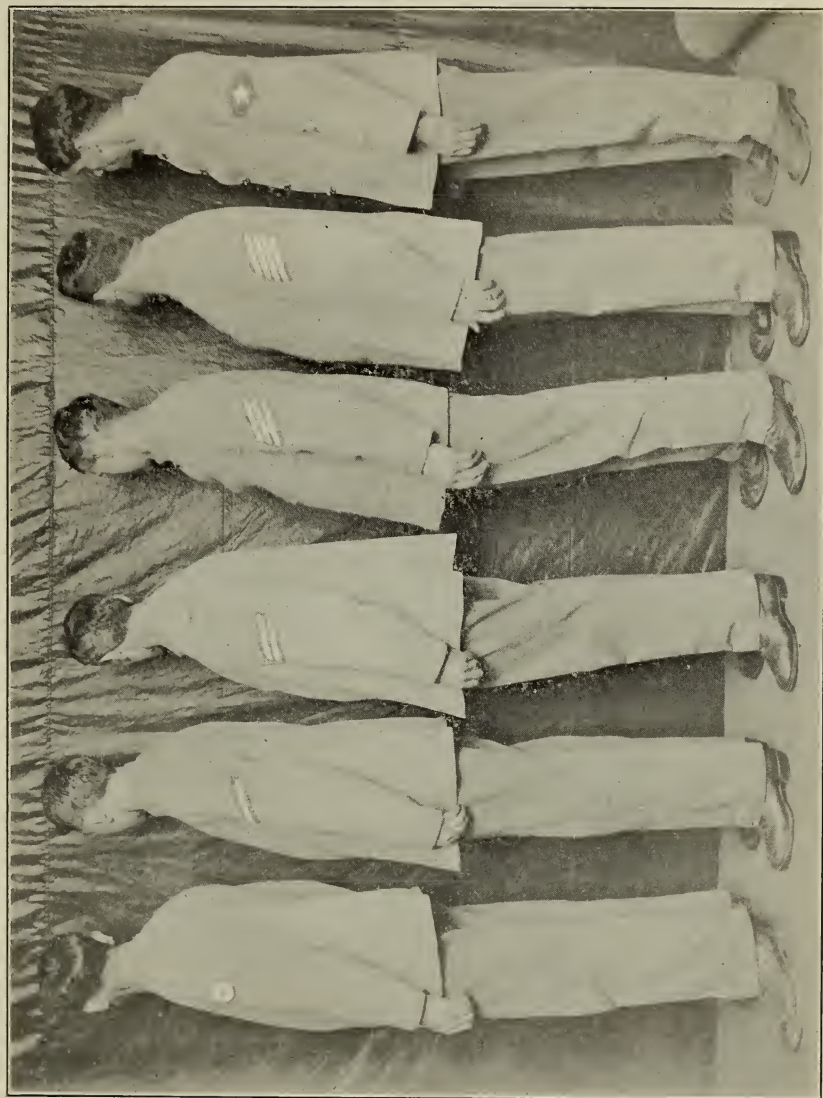
There are comprised in the system what would be known in outside parlance as twenty-six separate organizations, and under these branches of manufacture seventy-five separate and distinct trades are taught. The plant, equipment and machinery provided are the very best that can be obtained in the country, and the work in every line is supervised by experts. The value of the output varies each year from \$800,000 to \$950,000. The number of men employed in the several industries varies from 1,900 to 2,200, as the population of the prisons varies from time to time.

All the manufactured product is sold to the State, its political divisions and institutions. This law was enacted in 1897 after considerable controversy, and was believed at the time to be the most equitable solution of the prison labor problem in the country. The State utilizes the product in its own institutions and political divisions, and credits the prisons with the price, equal to the market price for similar products, instead of selling the product in the open market. A catalogue of articles manufactured comprises more than 700 different articles. For the manufacture of cloth, a well-equipped mill is provided.

Investment in raw material is confined to wool and cotton. The wool is scoured, picked, carded, spun into yarn and woven into cloth. The tailoring department cuts the cloth, and with the addition of buttons and thread completes a suit of clothes. The suits so made supply the uniforms for the Soldiers' and Sailors' Home, the officers' and inmates' uniforms of the hospitals for the insane and the charitable and eleemosynary institutions of the State.

Cotton is picked, carded, spun into yarn and made into underwear and stockings for use in institutions. More than 25,000 pairs of blankets per year are made. Shirting, towel-ing, jeans and the whole range of woolen and cotton cloth and clothing, with all the trades in these lines, comprise every branch of manufacturing in this line now carried on throughout the country. Shoes are made by modern methods. Printing is done with the newest appliances, and a newspaper is printed, all the matter being contributed by the convicts. Street brooms are made. Baskets, corn brooms, brushes, woodenware, tinware, matting, kettles, ironware are manufactured. Iron and brass beds from the very latest patterns are made. School furniture of modern design is manufactured, 40,000 desks a year being furnished to the Department of Education in New York City alone; also furnace grates, carts, wagons and other equipment for the street cleaning and sanitary work of the city. Furniture, including chairs, bureaus, office desks, wardrobes and everything needed for public buildings and institutions are produced.

The same law that directs the Superintendent of State Prisons to cause to be manufactured such articles as are needed and used by the several institutions and political divisions of the State, in turn directs the several purchasing officers to buy these articles from the prisons, and further forbids the auditing officer to allow their purchase elsewhere. The matter of fixing the prices of the products which are to be furnished and the matter of fixing the design of the articles to be manufactured are by law arranged by a board, known as the Board of Classification. This board consists of the Fiscal Supervisor, State Commissioner in Lunacy, the State Commissioner of Prisons and the Superintendent of State Prisons. The board is equally divided as to purchasers and sellers and is a very important element in the successful working of the system. A committee of the board is constantly engaged in connection



Honor Bars, New York State Prisons.



Prison Yard, Auburn Prison.

with their other duties in conforming the prison products to the outside market. An illustrated catalogue of the large variety of prison products manufactured in the prisons will be presented to all delegates who may be interested to have it, on application at the New York City office of the Superintendent of Prisons, at 97 Warren street, New York City.

HONOR EMBLEMS.

As an incentive to good conduct on the part of the prisoners, and as a reward to those who obey the prison rules, a system of honor emblems was established in June, 1906. For each year of good conduct the prisoner wears on the left sleeve of his coat a bar of red cloth, and for each five years of good conduct a red star is worn. The helpful effect of this system on the discipline of the prison was at once apparent. The emblems are popular with the prisoners, as they carry certain special privileges and are certificates of good standing that all who see may read at a glance. The Superintendent believes that a high standard of discipline can be more easily and satisfactorily maintained by a system of rewards than by imposing severe penalties for offenses against the rules, and he and his co-workers are constantly seeking practical methods by which such rewards may be bestowed without material increase in the cost of maintaining the prison. In the honor bars they have found a method that is inexpensive and also effective in producing the results sought, and as these honor emblems carry with them additional privileges the men strive to earn them.

INDETERMINATE SENTENCES.

The two forms of sentence imposed on prisoners committed to the State prisons are known as the definite sentence and the indeterminate sentence. The professional or persistent criminal, who has previously served one or more terms for felony, is on subsequent conviction sentenced to serve a definite term which is fixed by the court. By good conduct the prisoner so sentenced may earn commutation time sufficient materially to shorten the period of service. In fact, the commutation

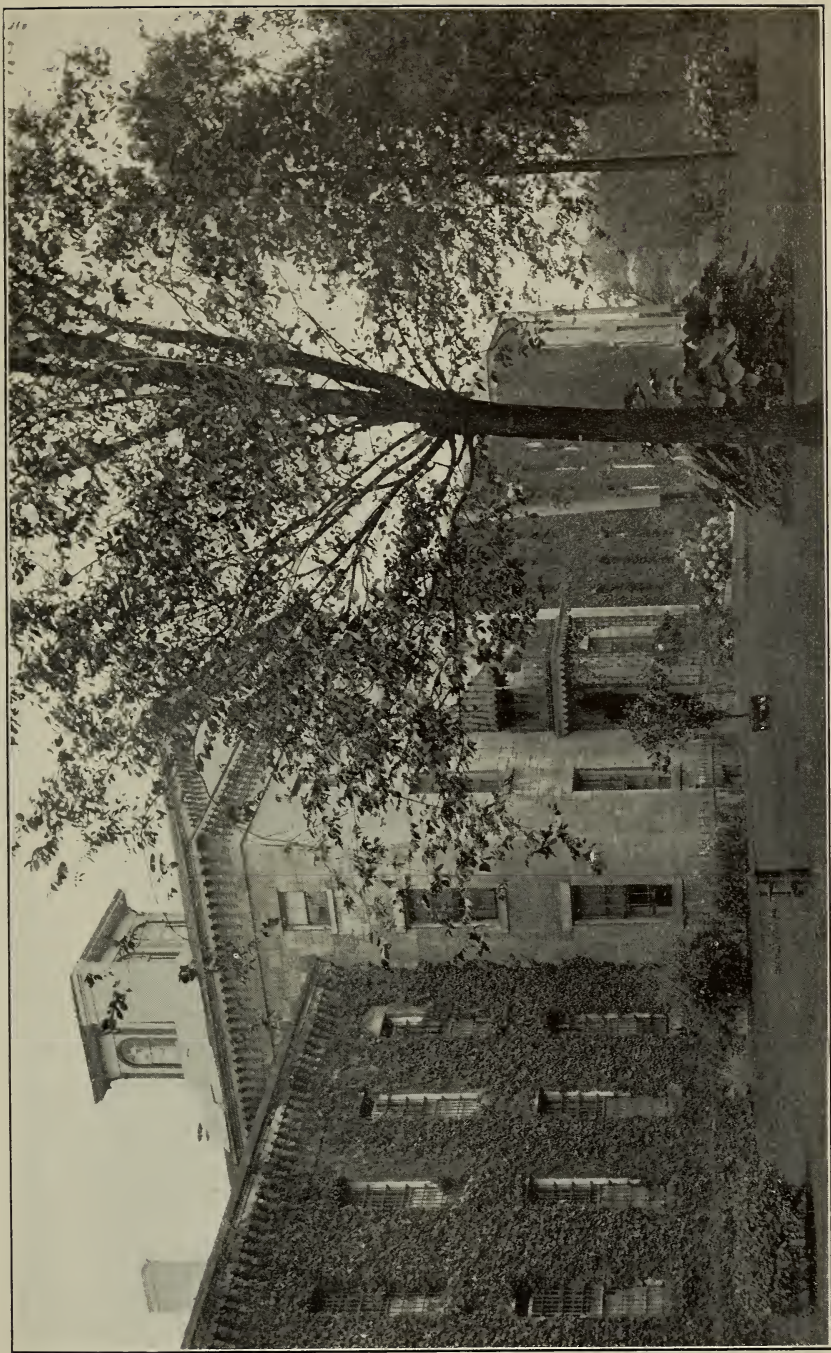
allowed by law is so liberal that a five-year term may be reduced to three years and seven months; and a ten-year sentence, to six years and six months. It may therefore be said that while the maximum sentence that may be imposed for a certain crime is, for instance, fixed by law at five years, it is in effect but three years and seven months, for if the conduct of a prisoner having a five-year sentence is good, he must be discharged at the expiration of three years and seven months. If he is longer detained, it is because of offenses against the prison rules, and is really the penalty paid for his own bad conduct.

The criminal who has never before been convicted of a felony is on conviction sentenced to an indeterminate term of imprisonment, the minimum and maximum limits of which are fixed by the court. Under this form of sentence the prisoner cannot earn commutation, but after serving his minimum term, if he has a good record and the Parole Board is satisfied that he will live a lawful and correct life, he may be paroled, subject to such rules as the Board of Parole may prescribe. While on parole he is still in the legal custody of the warden, and if he fails to comply with the terms of parole, he may be returned to the prison to serve the unexpired portion of his maximum sentence.

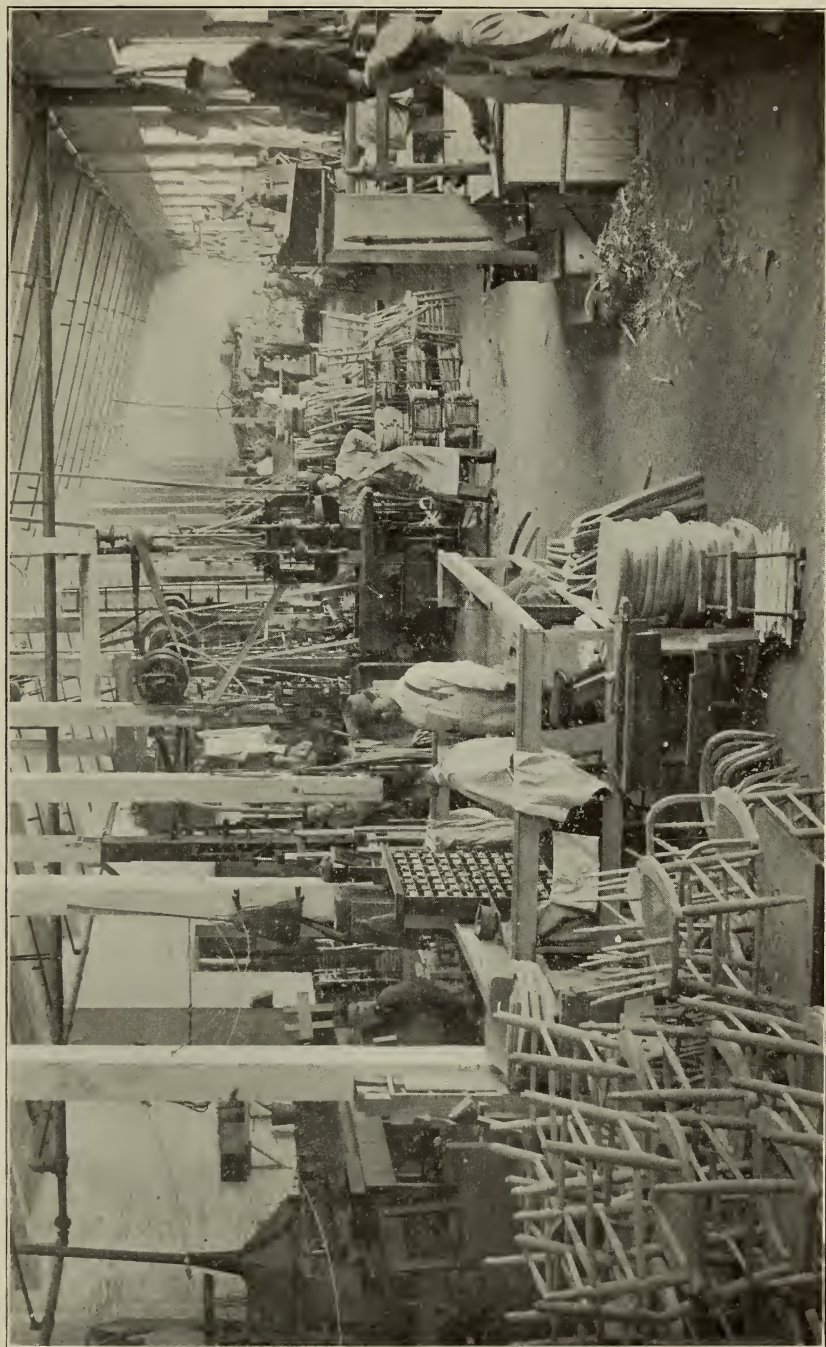
From 1889 to 1901 only a small number of prisoners were received at the prisons under indeterminate sentences. After the amendment to the law in 1901 the number increased rapidly. A further amendment was passed in 1908 providing that all first offenders convicted of crimes other than murder in the first degree should be sentenced to indeterminate terms, and the number of prisoners so sentenced has now reached 1,562, and it will probably gradually increase to approximately 2,500, or nearly two-thirds of the prison population.

THE STATE PRISON AT AUBURN

Auburn Prison consists of two prisons, one for men and one for women. It is located in the central part of the city of Auburn, New York, and occupies about twenty acres of land. The buildings, commenced in 1816, were first occupied in 1817, and were finally completed in 1820. The construction work after 1817 was largely done by convicts.



Women's Prison, Auburn.



Chair Shop, Auburn Prison.

Auburn Prison was the second State prison to be erected in this Commonwealth; the first being Newgate Prison, built in 1797, and located in the city of New York. Auburn Prison was built as the result of the overcrowding of this earlier institution, and its first occupants were transferees from Newgate. The original records of Newgate, showing receipts and discharges from 1797 to 1817, were also transferred to Auburn in the latter year, and now form part of the records of that prison.

When the prison was first opened convicts were confined at night in apartments holding from eight to twelve, a practice which proved detrimental to discipline and to the reformation of the prisoners.

At the present time Auburn is equipped with 1,282 single cells, exclusive of six special cells for condemned men and fourteen punishment cells.

THE STATE PRISON FOR WOMEN, AUBURN

The State Prison for Women was opened on June 1, 1893, with 86 women. Since then 678 have been received, and an equal number either discharged, paroled, pardoned or died, leaving 167.

The inmates are employed in mattress making, chair caning, weaving, and finishing blankets woven in the men's department of Auburn Prison, and in taking care of the grounds and buildings. All clothing worn in the prison by inmates is manufactured in the shop, as are also the outgoing dresses.

Two hospitals furnish comfort for those who are ill. Protestant and Catholic religious services are held in the same chapel, and music plays a prominent part in the exercises. The school, with daily sessions, is under the supervision of an efficient principal, who employs three inmate teachers.

The striped dresses have been abolished for the first grade women, and those of tan color substituted. Honor bars and stars were donned during the past summer by those of good conduct.

The warden, doctor, chaplain and clerk of the Auburn Prison, act in similar capacities for the State Prison for Women, but all the prisoners are under the direct management of the matron.

THE CLINTON STATE PRISON AT DANNEMORA

The site of the Clinton Prison was chosen in 1845, and the stockading of same completed in May of that year. Men were transferred from Auburn and Sing Sing, and the work of building a permanent prison pushed to completion. There is at the present time accommodation for 1,300 men.

The inmates are employed in industries consisting of laundry-work, carding and spinning of cotton and wool, and the manufacture of shirts, collars and cuffs, tinware, baskets and woodenware.

Clinton Prison combines the double purposes of prison and sanitarium, tubercular patients from other prisons being transferred there. The patients are, as far as possible, housed and treated in hospital wards, and have the benefit of modern construction and treatment.

Under the grading system in force in the State, Clinton is known as a "C" or third grade prison. All men serving their third (or more) sentence for felony are transferred there from other prisons. The population is, therefore, made up almost entirely of tuberculosis patients and the recidivist class.

SING SING STATE PRISON AT OSSINING

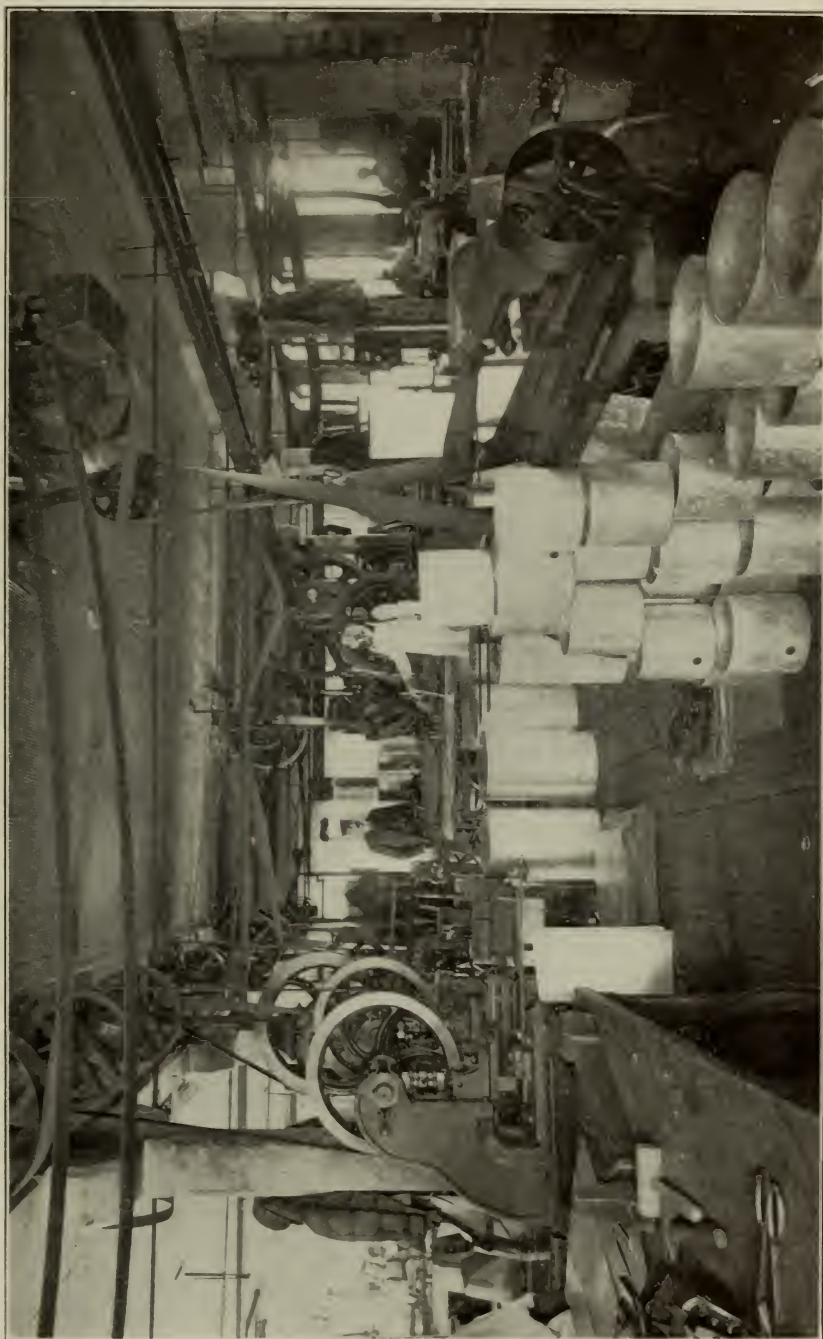
Sing Sing Prison, located at Ossining, Westchester County, thirty miles north of New York city, on the Hudson River, was originally known as Mount Pleasant State Prison, and was authorized to be constructed by an act passed on March 7, 1824.

In May, 1825, 100 convicts from Auburn Prison were brought here on a canal boat, and operations were commenced. In May, 1828, the prison buildings were completed, and all the convicts then confined in Newgate Prison, New York City, were removed to the new Mount Pleasant State Prison.

The original main structure was only four stories high, containing 800 cells; later on two additional stories were added, making 1,200 cells in all. This building was constructed entirely of marble quarried near the prison. The dimensions of the cells are: depth, 7 feet; width, 3 feet 3 inches; height, 6 feet 7 inches; giving each cell a cubic space of 168.56 feet.



Cell Hall, Clinton Prison.



Tin Shop, Clinton Prison.

The main buildings are enclosed by a wall, and cover about fifteen acres. In addition, there are about seventy acres used for farming and quarries.

In 1840 a prison for female convicts was erected near the main prison. In 1877 this prison was abandoned, and about 200 inmates taken elsewhere.

THE STATE HOSPITAL AT DANNEMORA.

As far back as 1896 it became evident that more room must be provided for the criminal insane in the State of New York. Matteawan was over-crowded, receiving the convicted insane as well as those indicted for crime who were adjudged insane before or during trial. In 1896 the first appropriation was made, and on November 15, 1900, Dannemora Hospital was opened, with Dr. R. B. Lamb as the medical superintendent, and admissions to date have brought the population up to nearly 400. One purpose of this hospital is to separate the convicted insane from the unconvicted, the infractions of the law by the latter being usually caused by insanity.

The organic law of the Dannemora Hospital is chapter 520 of the Laws of 1899, which provides for the reception and care of all male convicts who become insane while undergoing imprisonment for a felony, and for the detention of patients remaining insane at the expiration of their terms of sentence.

The present superintendent is Dr. C. H. North, who was associated with Dr. Lamb at the time of the opening of the hospital, and who was selected for promotion from the Civil Service list by the Superintendent of State Prisons in December, 1894.

THE STATE HOSPITAL AT MATTEAWAN.

This hospital was first established at Auburn by an Act of the Legislature passed in April, 1855, and buildings were erected upon grounds adjoining Auburn Prison, where convict patients were transferred from the institutions at Utica. In 1886 a commission appointed by the Legislature determined on a farm site, to provide outdoor occupation, so far as possible, for the inmates; as a result the present institution was

opened in April, 1892, with a population of 261 patients, transferred from Auburn.

This hospital is the first of its kind erected in the United States, and antedates by a short period of time the well-known hospital of similar character at Broadmoor, England. Among the State hospitals, in point of age, it ranks next to the institution at Utica. Its history has always been creditable, and, although it has had to care for a dangerous and troublesome class of inmates, a large percentage of whom are possessed of homicidal tendencies, it has been fortunately free from any serious calamity. The present population is 759: 627 men, 132 women.

The good example of the State of New York in establishing an institution of this character has been followed by several other States of the Union.

RECENT CHANGES IN THE PRISONS.

By the Superintendent's order, improved methods of administration have resulted from the following changes in the prisons during the past twelve years:

Striped clothing abolished.

Custom of clipping prisoners' hair abolished.

Tin plates and cups in mess-halls replaced by those of crockery.

An oven provided in each prison which permits greater variety in preparation of food without increased cost.

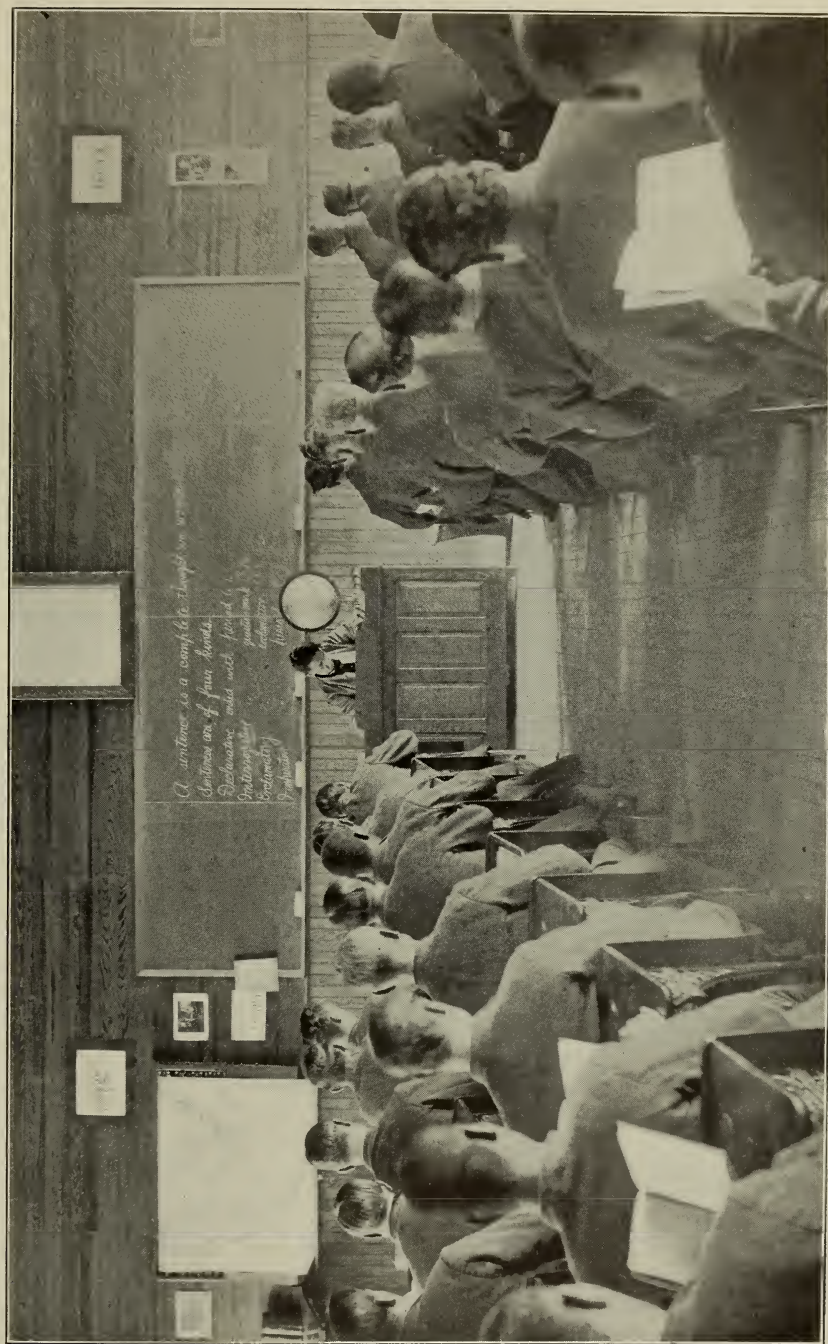
Lockstep abolished and military method of marching substituted.

A comprehensive school system for prisoners established in the prisons.

Classification rules enforced. First offenders and confirmed criminals kept separate in every department of the prisons.

Adoption of honor emblems; each prisoner's conduct record indicated by chevrons on the left sleeve of his coat.

System of numbering shirts and underwear by which each prisoner receives from the laundry the same garments he turns in. Indiscriminate distribution of garments from laundry prohibited.



School Room, Clinton Prison.



Cotton Shop, Clinton Prison.

A barber shop with homely but sanitary equipment established in each workshop with individual lather cup and soap for each prisoner. Traveling barber shops abolished.

Competent dentists and oculists give prisoners' teeth and eyes such attention as they actually require.

Prisoners clothed in summer in light weight washable suits.

Inauguration of the finger print system of identification in 1903.

The output of the prison industries increased from \$494,720.15 in 1898 to approximately \$900,000.00 in 1910. In the same period the number of records in the Bureau of Identification increased from 24,000 to 110,000.

BOARD OF PAROLE.

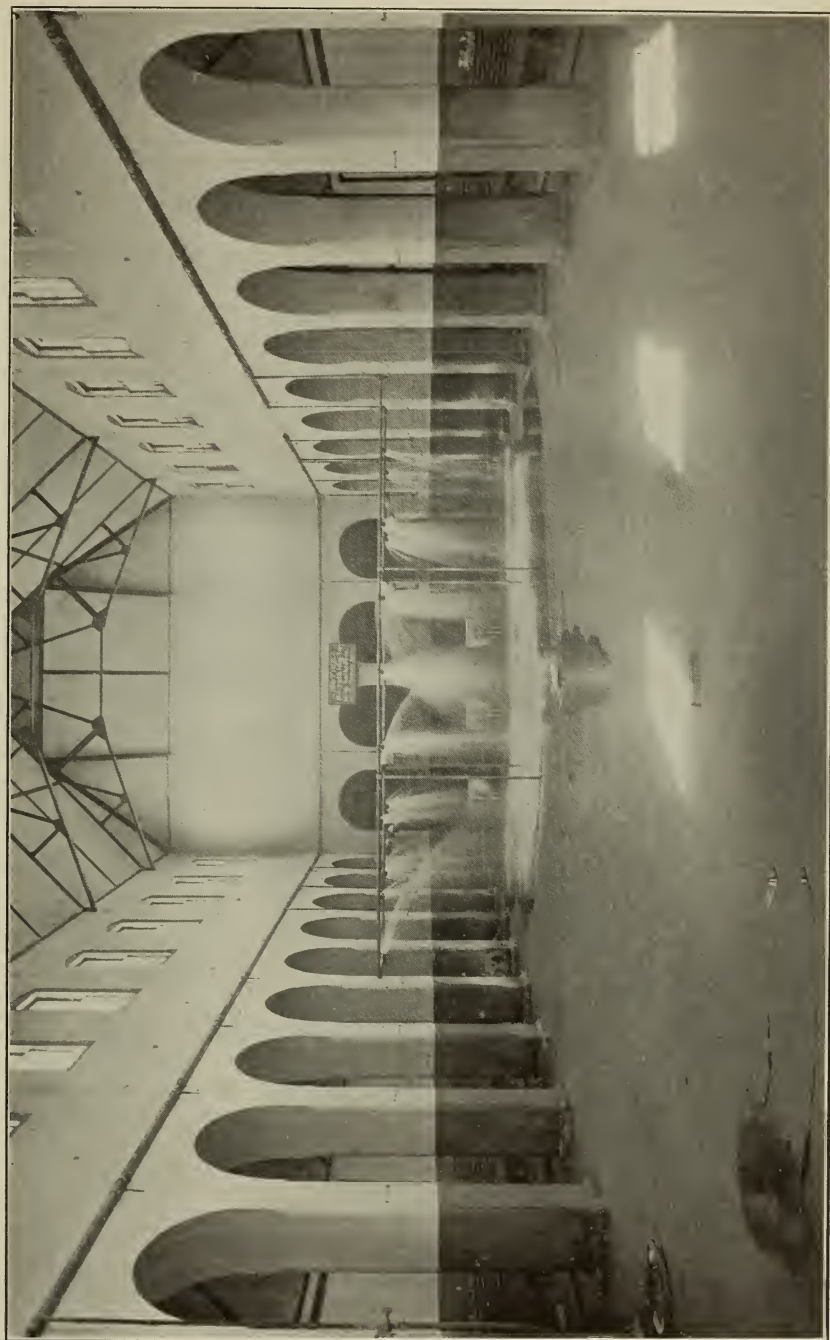
The Board of Parole is appointed by the Governor to determine the eligibility of prisoners in the State Prisons for parole and to supervise their actions while on parole. The Board consists of three members [the Superintendent of State Prisons and two other citizens, not members of the State Prison Department], and meets at each of the State Prisons ten times each year.

The Elmira Reformatory.

The New York State Reformatory at Elmira was opened in 1876, under the superintendency of Mr. Z. R. Brockway, and was the first reformatory for males over the age of 16 to be established in the United States. Its thirty-four years of history have made it famous not only in the United States, but throughout the world. All inmates not incapacitated are employed daily, except Sunday, at useful employment. About thirty trades schools are maintained. Military drill is a prominent feature, teaching the inmates not only tactics but the necessity of proper subordination to authority. But a small part of the products of the industry of the inmates is sold to the State or to political divisions of the State, the aim of the trades schools being rather the instruction of the inmates in such manner as to enable them more readily to become self-supporting and skilled in later life "on the outside."

The affairs of the Reformatory are administered by a board of managers, appointed by the Governor of the State, with the approval of the State Senate. Approximately two-thirds of the prisoners committed to the Reformatory are sentenced from the city of New York or vicinity; hence, two members of the board of managers are from New York. The Reformatory is in charge of a general superintendent, chosen by the board of managers, who themselves serve without pay. Men are committed to the Reformatory under two forms of sentence, the determinate and the indeterminate sentence. The prisoners committed under the determinate sentence constitute but a small proportion of the prison population. They are sentenced by the United States courts for crimes against the United States Government. The bulk of the inmates are committed under the indeterminate sentence, and in accordance therewith a prisoner may be released by vote of the board of managers within one year after his admission, provided he comply with the conditions of conduct, industry and scholarship laid down by the board of managers. The conditions are as follows: His general demeanor, his record in the school of letters and in trades school must be such as to give the board of managers good reason to believe that he will, if so released, become a law-abiding citizen. It is also necessary before this conditional release can be granted that he obtain employment. A prisoner released thus is said to be paroled. The parole period is not less than six months, during which he must report at least once a month to his parole officer. After six satisfactory monthly reports, paroled men are usually given an absolute release from the Reformatory.

The Reformatory population is divided into three grades. Each man, upon admission, is put into the second grade, from which by making a good record in demeanor, school of letters, and trades school he may rise to the first grade; or by failure he may drop to the third. Six months are the shortest time during which a man may rise from the second to the first grade; a like six months of practically perfect record in the first grade entitles the prisoner to consideration by the board of managers for parole. The uniforms of the three grades are differentiated somewhat. The prisoners take their meals in common dining-rooms, to which they are assigned according to grade. The food supplied to the three grades is uniform,



Bath Room, Clinton Prison.



Mess Hall, Clinton Prison.

but the ration of the first grade admits of a somewhat greater variety than does that issued to the second and third grades.

The cells are seven feet wide, eight feet long, and nine feet high. Each has a ventilator, opening to the roof; the walls are whitewashed; in each room is an iron bedstead, a wooden cupboard, table and chair, and an electric lamp. Closets and lavatories have been, or are being, established in all the rooms.

Each prisoner maintaining a perfect institutional record since his admission to the Reformatory is decorated upon his promotion to the first grade with a small metal Maltese cross, affixed to the collar of his jacket, and to be retained only during continuance of the perfect record. Once forfeited, the badge cannot be regained by subsequent good record.

The total number of prisoners at Elmira for the year ending September 30, 1909, was 2,855, of which 1,419 were received during the year. The total number of paroled men was, for the twelve months, 1,097, and in that same period 135 men were returned for violation of parole. Only three deaths occurred during the year, but it should be noted that 24 inmates were transferred to the Dannemora State Hospital for Consumptives. The population at Napanoch Reformatory for the twelve months ending September 30, 1909, was 856, the addition during the year being 378. All inmates of Napanoch are first committed to Elmira, and thence transferred by the board of reformatory managers to Napanoch, which is also under the management of the same board.

The total number of inmates at Elmira, the average population and the number of paroles were each the largest of any year in the institution's history. The number of commitments, 1,419, was less than in the preceding year — due doubtless to the better industrial condition of the country — but was still much larger than in any year prior to 1908. The gross cost of maintaining the Elmira Reformatory for the fiscal year ending September 30, 1908, was \$255,121.76, and the net cost was \$248,237.05; and the net per capita per diem cost of maintenance was \$.445, a net annual per capita cost of \$162.42.

The library contains 5,782 books; the Reformatory publishes a weekly paper called the "Summary." From time to time, usually once each month, entertainments are provided for the inmates. Religious services are conducted each Sunday throughout the year by Protestant, Catholic and Jewish chaplains.

The Eastern New York Reformatory at Napanoch.

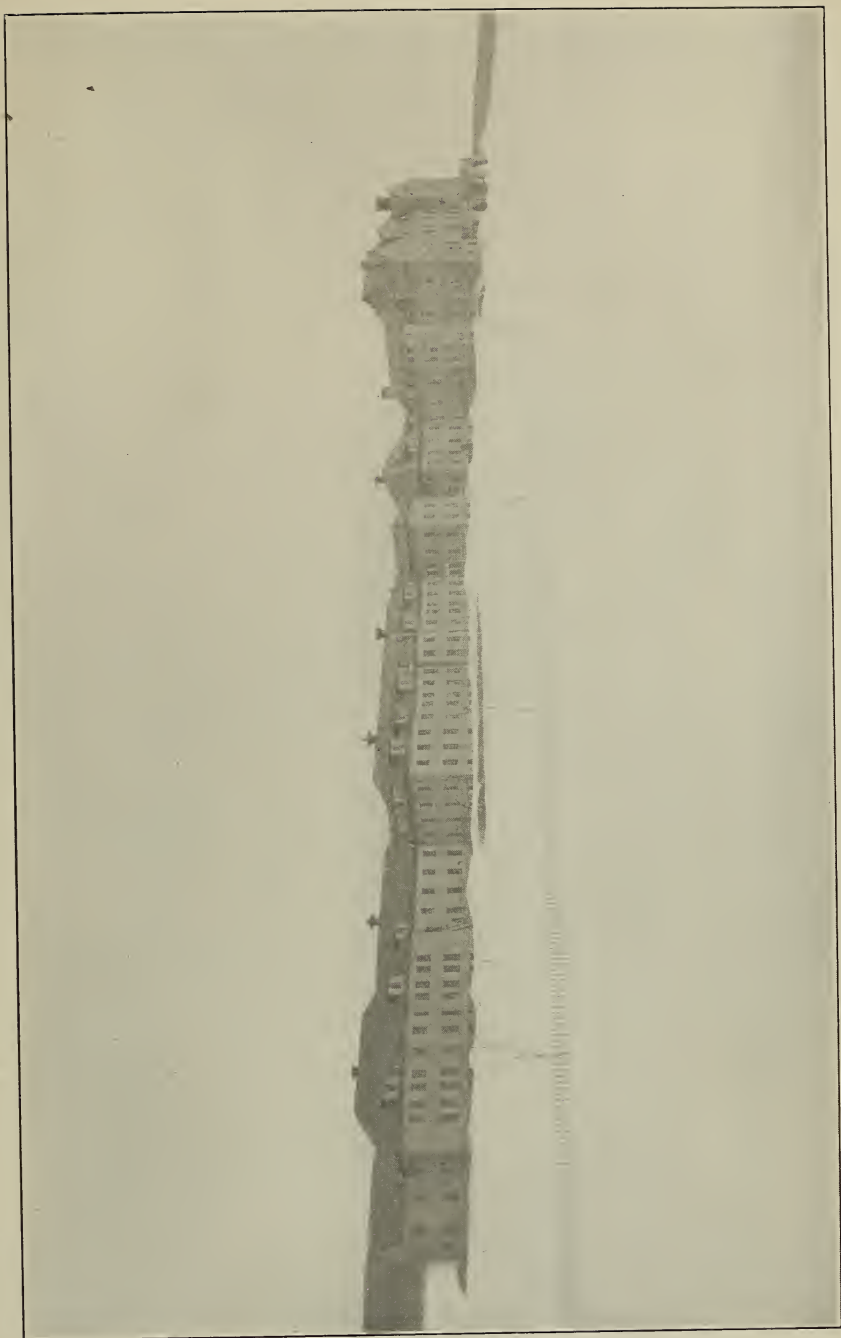
This Reformatory, located at Napanoch, Ulster County, was first used as a prison in 1900, when it was turned over by the Building Commissioners to the Superintendent of State Prisons. This was done by an act of the Legislature for the purpose of completing it, as far as possible, with convict labor.

From 1900 until 1906 an immense amount of work was accomplished, and on October 1, 1906, it became an adjunct of the New York State Reformatory at Elmira, being under the same board of managers, with the Hon. Joseph F. Scott as Superintendent of both. Mr. George Deyo, Assistant Superintendent, is in charge at Napanoch.

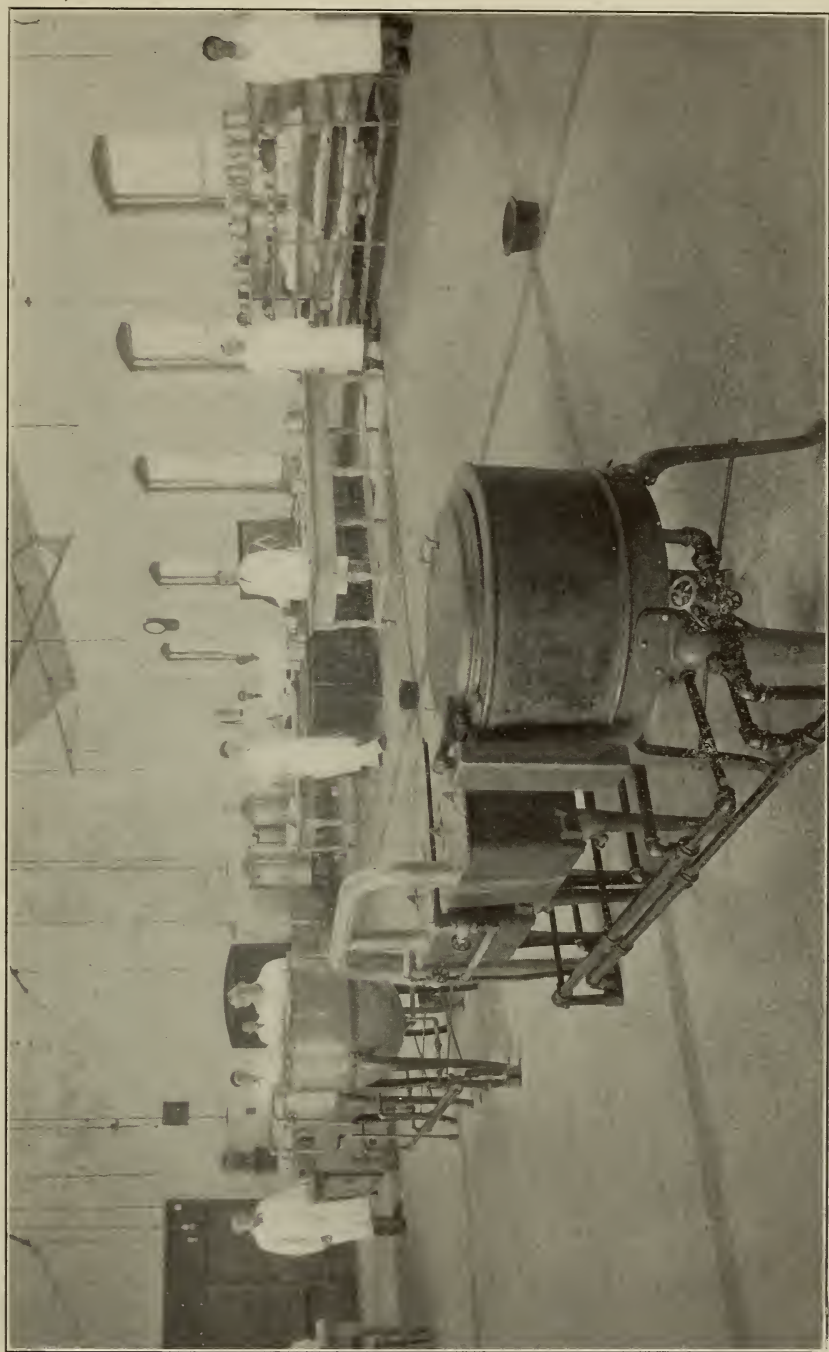
The Napanoch Reformatory has been kept as full as practicable with its present cell capacity. All commitments are originally made to Elmira, from which, as occasion arises, prisoners are transferred to Napanoch in squads of fifty. Three classes of men are selected for transfer, viz.: (a) Those over 25 years of age; (b) those who have had the advantages of Elmira for a year or more and have been returned for violation of parole; and (c) those skilled in some trade or handicraft that will make them useful in the construction or other special work of the smaller institution. The marking system is substantially the same in the two places, and any record made in one institution counts in the other. The maintenance expenditure for the year ending September 30, 1909, was \$87,545. The per capita per diem cost for the year was \$.534, an annual per capita cost of \$194.91. Statistics of population will be found in the article upon Elmira Reformatory.

The State Commission of Prisons.

The State Commission of Prisons is composed of seven members, appointed by the governor, by and with the advice and consent of the Senate. Each Commissioner holds office for four years. They shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors, excepting such reformatories as are subject to the visitation and inspection of the State Board of Charities. The Commission



Danmemora State Hospital.



Kitchen, Dannemora State Hospital.

shall aid in securing the just, humane and economical administration of all institutions subject to its supervision; shall advise the officers of such institutions or in control thereof in the performance of their duties; shall aid in securing the erection of suitable buildings for the accommodation of the inmates of such institutions, and approve or reject plans for their construction or improvement; shall investigate the management of all institutions made subject to the visitation of the commission, and the conduct and efficiency of the officers or persons charged with their management; shall secure the best sanitary conditions of the building and grounds of all such institutions and protect and preserve the health of the inmates; shall collect statistical information in respect to the property, receipts and expenditures of said institutions and of any department of the State or any subdivision thereof in charge of the same, and the number and condition of the inmates thereof; shall ascertain and recommend such system of employing said inmates as may, in the opinion of said Commission, be for the best interest of the public and of said inmates and not in conflict with the provisions of the constitution relating to the employment of prisoners.

The Prison Association of New York.

The Prison Association of New York was incorporated in 1846. The objects of the Association, as laid down by the act of incorporation, were (1) The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses. (2) The improvement of prison discipline, and the government of prisons, whether in cities, counties, or states. (3) The support and encouragement of reformed convicts after their discharge by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

The Prison Association has had a continuous existence since its incorporation, and is one of the oldest, as well as one of the strongest, societies of its kind in this country. Its office is in New York City, but its field is the whole State.

Today, it outlines its field under the following headings:

1. The protection of society against crime.

2. The reformation of the criminal.
3. Protection for those unjustly accused.
4. Probation for first offenders.
5. Improvement in prisons and prison discipline.
6. Employment, and, when necessary, food, tools and shelter for discharged prisoners.
7. Necessary aid for prisoners' families.
8. Supervision of those on probation and parole.
9. Needed legislation and correction of abuses in our pénal system.

The Prison Association maintains a parole bureau, which annually supervises about 1,000 men released on parole from Elmira and Napanoch Reformatories, and also an increasing number of men released on parole from the three State prisons. It maintains a probation officer in the court of General Sessions in New York City. On December 31, 1909, there were 648 men and boys on probation and parole reporting to the Association.

One of the important duties of the Prison Association is the inspection of the prisons of the State. "The said executive committee (of the Prison Association) by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect and examine, all the prisons in the State, and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section of title first, chapter third, part fourth of the revised statutes are invested in inspectors of county prisons and the duties of the keepers in each prison that they may examine shall be the same in relation to them, as in the section aforesaid are imposed upon the keepers of such prisons in relation to the inspectors thereof." Paragraph 6 of Article 11 of the Act to Incorporate the Prison Association of New York, passed May 9, 1846.

The president of the Prison Association is Eugene Smith, and the executive secretary, O. F. Lewis.

The State Board of Charities.

The State Board of Charities, with central office at Albany, was established in 1867, was created a constitutional body and its general duties and jurisdiction defined by the Constitution of 1894, and its powers and duties specifically set forth in chapters 57, 46 and 40, Laws of 1909, as amended. It is composed of twelve commissioners, appointed by the Governor and Senate for terms of eight years. One commissioner is appointed for each Judicial District, and three additional commissioners for New York City. Each commissioner is entitled to per diem compensation for attendance at meetings of the Board and its committees, not exceeding \$500 for any one year. No commissioner can be trustee, manager, director or other administrative officer of any of the institutions subject to the supervision of the Board.

The Board is required by law to visit, inspect, and maintain a general supervision of all institutions, societies, or associations which are of a charitable, eleemosynary, correctional, or reformatory character, whether State or municipal, incorporated or not incorporated, excepting prisons and reformatories in which adult males convicted of felony are confined, and hospitals and asylums for the insane, and to make an annual report to the Legislature.

The following powers and duties are specially enumerated in the statutes:

1. To aid in securing the just, humane, and economic administration of all institutions subject to its supervision.
2. To advise its officers of such institutions in the performance of their official duties.
3. To aid in securing the erection of suitable buildings for the accommodation of the inmates of the institutions aforesaid.
4. To approve or not approve the organization and incorporation of institutions, as authorized by law.
5. To investigate the management of all institutions made subject to the supervision of the Board, and the conduct and efficiency of the officers or persons charged with their management, and the care and relief of the inmates of such institutions therein or in transit.

6. To secure the best sanitary conditions of the buildings and grounds of all such institutions, and to protect and preserve the health of the inmates.

7. In the case of institutions having the care of children, to aid in securing the establishment and maintenance of such industrial, educational, and moral training as is best suited to the needs of the inmates.

8. In accordance with the provisions of section 14 of article VIII of the Constitution, to establish rules for the reception and retention of inmates of all institutions therein described which are subject to the Board's supervision.

9. To investigate the condition of the poor seeking public aid, and advise measures for their relief.

10. To administer the laws providing for the care, support, and removal of State and alien paupers and the support of pauper Indians.

11. To collect statistical information in respect to the property, receipts, and expenditures of all institutions, societies, and associations subject to the supervision of the Board, and the number and condition of the inmates thereof, and the poor receiving public relief.

12. Prevent evils and abuses in connection with the placing out of children, and issue licenses to such persons or corporations applying for the same as in the judgment of the Board are proper persons or corporations to be entrusted with power to place out destitute children.

13. Issue licenses to dispensaries and revoke the same for cause.

14. Examine and approve or disapprove the plans for almshouses and additions and improvements thereto.

All persons obstructing the Board in the performance of the above powers and duties are liable to a penalty of one hundred dollars for each act of neglect or refusal.

The president of the State Board of Charities is William R. Stewart, and the secretary, Robert W. Hebbard.

State Hospitals for the Insane

The State Commission in Lunacy consists of three members appointed by the Governor, by and with the consent of the Senate, for a term of six years, with the exception of the Medical Commissioner, who serves during good behavior. The Commission has supervision over all the expenditures of the State Hospitals for the Insane, and no expenditures for any purpose can be made by these institutions except upon quarterly estimates, which must be submitted to the Commission for revision and approval. All vouchers of maintenance and building improvements of the State Hospitals are paid through this Commission. The State Hospitals are required to report to the Commission annually, and the Commission is required to report to the Legislature.

One commissioner must be a physician, a citizen of this State and a graduate of a legally authorized medical college, having at least ten years' experience in the actual practice of his profession, at least five years' experience in the care and treatment of the insane, and some experience in the management of the insane. He is by law President of the Commission. The second commissioner is required to be a lawyer of at least ten years' standing, and a citizen of the State. The third commissioner is a layman. The office of the Commission of Lunacy is located in the Capitol at Albany.

The State Hospitals for the Insane in the State are as follows:

Utica State Hospital, at Utica.

Willard State Hospital, at Willard.

Hudson River State Hospital, at Poughkeepsie.

Middletown Homœopathic State Hospital, at Middletown.

Buffalo State Hospital, at Buffalo.

Binghamton State Hospital, at Binghamton.

St. Lawrence State Hospital, at Ogdensburg.

Long Island State Hospital, at Flatbush, Brooklyn.

Kings Park State Hospital, at Kings Park, L. I.

Manhattan State Hospital, at Ward's Island.

Central Islip State Hospital, at Central Islip.

Gowanda State Hospital, at Gowanda.

The State Charitable and Reformatory Institutions.

The Governor (by and with the consent of the Senate) appoints a Fiscal Supervisor of the State Charities for a term of five years, to examine into all matters connected with the financial management and revise all estimates for supplies for the following:

The Western House of Refuge for Women, at Albion.

New York State School for the Blind, at Batavia.

New York State Soldiers' and Sailors' Home, at Bath.

New York State Reformatory for Women, at Bedford.

New York State Training School for Girls, at Hudson.

Thomas Indian School, at Iroquois.

Eastern New York Reformatory, at Napanoch.

New York State Custodial Asylum, at Newark.

New York State Woman's Relief Corps Home, at Oxford.

New York House of Refuge, at Randall's Island.

State Industrial School, at Rochester.

Rome State Custodial Asylum, at Rome.

Craig Colony for Epileptics, at Sonyea.

New York State Institution for Feeble-Minded Children, at Syracuse.

New York State Hospital for the Care of Crippled and Deformed Children, at Tarrytown.

New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis, at Ray Brook.

Penal Statistics.

PRISON STATISTICS FOR THE YEAR ENDING SEPTEMBER
30, 1909.

	Auburn, men.	Sing Sing.	Clinton.	Auburn, women.	Total.
Prisoners in custody September 30, 1908...	1,246	1,500	1,221	96	4,063
Prisoners in custody September 30, 1909...	1,282	1,792	1,246	119	4,439
Received October 1, 1908, to September 30, 1909.....	569	1,114	517	71	2,271
Discharged, same period.....	533	822	492	48	1,895
Transferred to State hospitals.....	15	16	10	6	47
Died.....	13	15	14	1	43
Daily number in custody.....	1,327	1,785	1,308	115	4,535
Paroled.....	127	247	145	13	532
Returned for violation of parole.....	22	4	14	.....	40
On parole, not discharged, September 30th..	108	149	105	20	382
United States Prisoners received.....	5	2	.....	3	10
United States prisoners discharged.....	9	21	3	2	35
United States prisoners in custody, Septem- ber 30, 1909.....	11	10	4	2	27
Life prisoners, September 30, 1909.....	59	11	73	2	145
Electrocuted during year.....	4	3	1	1	9
<hr/>					
Previously confined in other institutions....	522	879	947	57	2,405
Married, admitted during year.....	192	436	184	46	858
Single, " " " ".....	377	678	333	25	1,413
Can read and write, admitted during year.	492	816	450	64	1,822
Can read only, " " " ".....	3	.....	.....	.....	3
Cannot read or write, " " " ".....	74	298	67	7	446
Temperate, " " " ".....	148	270	181	38	637
Intemperate, " " " ".....	421	844	336	33	1,634
White, " " " ".....	521	961	443	44	1,969
Colored, " " " ".....	48	153	74	27	302
Foreign born, " " " ".....	157	456	128	18	759
Native born, " " " ".....	412	658	389	53	1,512
Roman Catholic, " " " ".....	288	560	249	21	1,118
Protestant, " " " ".....	249	404	228	49	930
Jewish, " " " ".....	29	149	38	1	217
No religious belief, " " " ".....	3	1	2	.....	6
<hr/>					
Cases of insanity during year.....	21	10	10	.....	41

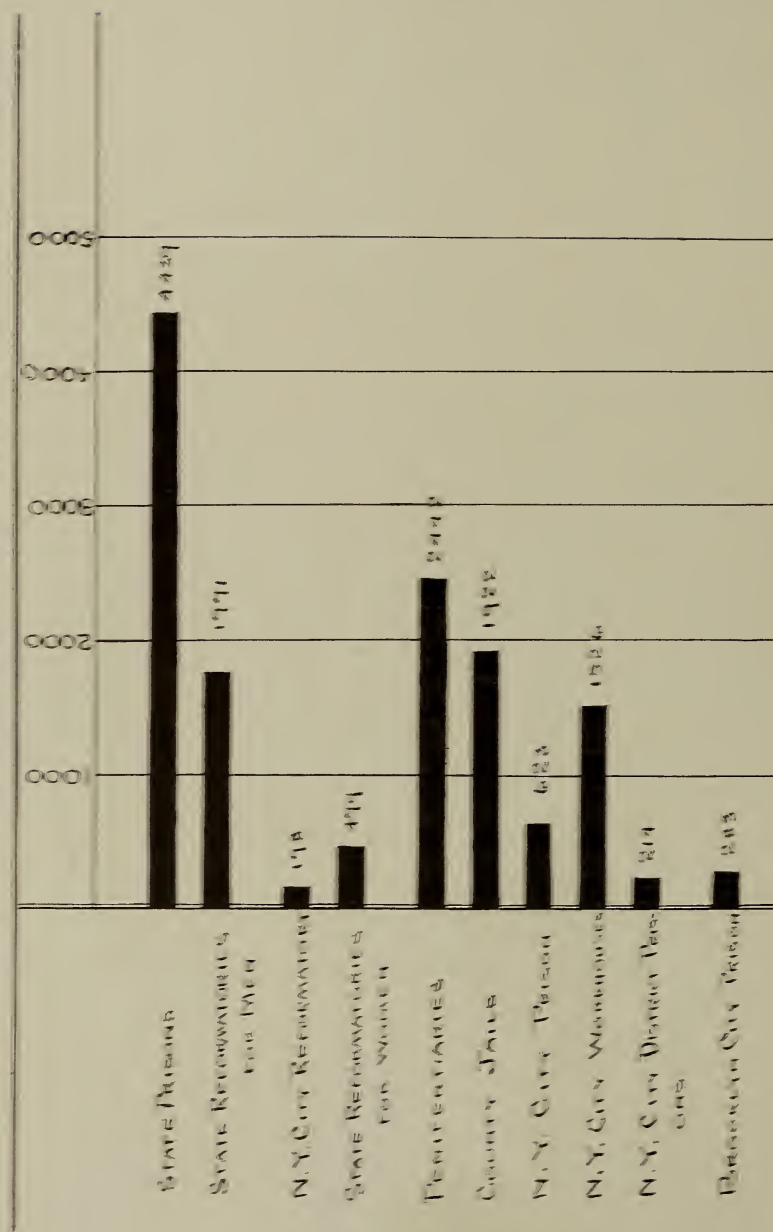
	Napanoch.	Elmira.	Total.
Prisoners in custody, September 30, 1908.....	478	1,436	1,914
Prisoners in custody, September 30, 1909.....	427	1,344	1,771
Received during year ending September 30, 1909.....	378	1,419	1,797
Discharged " " " " " "	429	1,511	1,940
Paroled, " " " " " "	354	1,097	1,451
Returned for violation of parole during year.....	28	135	163
On parole, not discharged, September 30, 1909.....	165	497	662
Transferred to State hospitals during year.....	12	24	36
Died during year.....	6	3	9
Average daily number in custody.....	449	1,529	1,978
United States prisoners received.....	..	34	34
United States prisoners discharged.....	..	18	18
United States prisoners in custody September 30, 1909.....	..	23	23
Number of cells — single.....	496	1,096	496
" " " — double.....	..	136	136
" " " — triple.....	..	32	32
Previously confined in other institutions.....	170	389	559
Cases of insanity occurring during year.....	12	24	36
<hr/>			
Married, admitted during year.....	70	161	231
Single, " " " " " "	308	1,258	1,566
Can read and write, " " " " " "	349	1,286	1,635
Cannot read or write, " " " " " "	29	133	162
Temperate, " " " " " "	117	721	838
Intemperate, " " " " " "	261	698	959
White, " " " " " "	330	1,317	1,647
Colored, " " " " " "	48	102	150
Foreign born, " " " " " "	118	853	971
Native born, " " " " " "	260	566	826
Roman Catholic, " " " " " "	193	723	916
Protestant, " " " " " "	147	472	619
Jewish, " " " " " "	37	218	255
None and miscellaneous, " " " " " "	1	6	7

PENITENTIARIES. STATISTICS FOR YEAR ENDING SEPTEMBER 30, 1909.

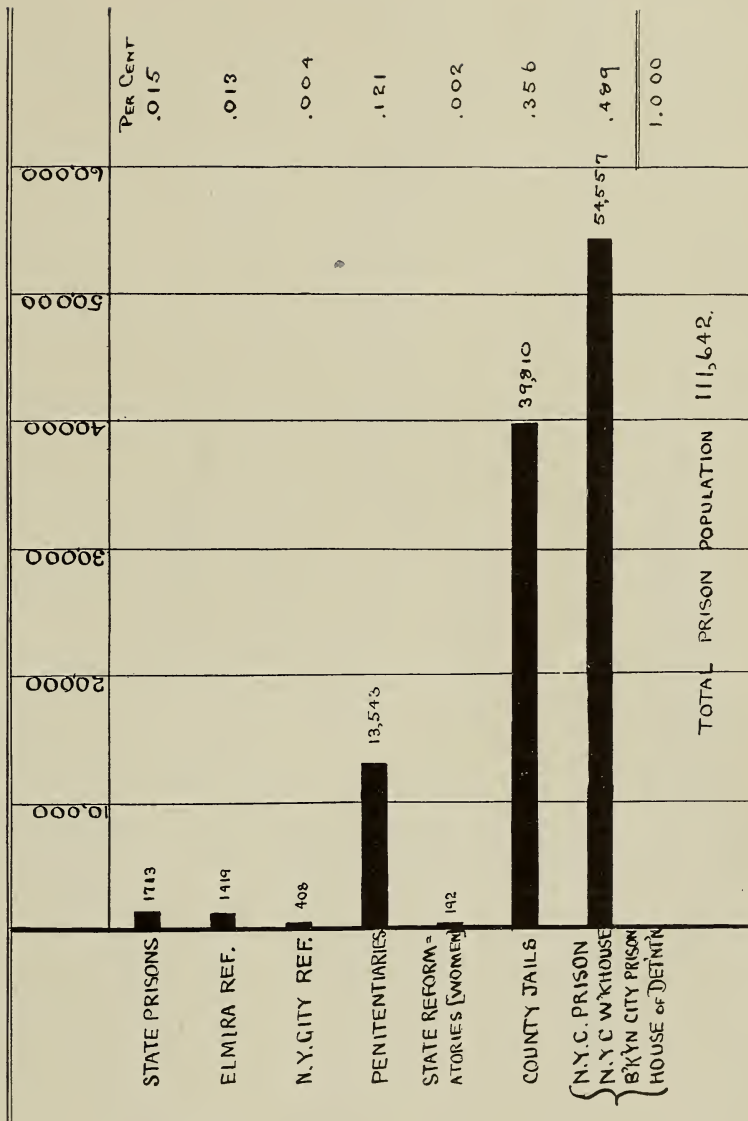
	ALBANY.			ERIE.			MONROE.			NEW YORK.			ONONDAGA.			Total.
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	
In custody, September 30, 1908.....	326	15	341	322	39	361	399	41	440	901	109	1,097	392	23	415	2,654
In custody, September 30, 1909.....	285	12	297	317	29	346	313	29	342	1,019	87	1,106	317	34	351	2,442
Received during year.....	1,680	54	1,734	4,527	483	5,010	2,534	130	2,664	2,337	202	2,539	1,535	95	1,630	13,543
Discharged during year.....	1,727	57	1,784	4,532	493	5,025	2,600	122	2,722	2,399	221	2,620	1,600	84	1,684	13,755
Transferred to State hospitals.....	1	1	2	1	1	2	1	1	2	17	2	19	4	4	8	25
Died.....	2	1	3	5	1	6	2	1	3	1	1	2	1	1	2	4
Average daily number.....	344	13	357	348	31	379	403	30	433	1,003	94	1,157	397	25	422	2,748
Cell capacity — single.....	40	40	80	379	379	758	379	379	758	848	848	1,696	848	848	1,696	1,823
Cell capacity — double.....	314	314	628	430	430	860	430	430	860	264	264	528	264	264	528	3,134
Age at admission, 16-21.....	204	2	206	759	15	774	397	3	400	188	8	196	102	1	103	1,589
Age at admission, 22-30.....	473	12	485	1,311	177	1,488	623	38	661	1,114	100	1,214	413	27	440	4,288
Age at admission, over 30.....	1,009	40	1,049	2,457	261	2,718	1,604	89	1,693	1,035	94	1,129	1,010	67	1,077	7,666
Sentence — under six months.....	1,538	46	1,584	4,339	448	4,787	2,330	91	2,421	1,046	67	1,113	1,234	76	1,310	11,221
Sentence — 6 months, under one year.....	141	8	149	169	5	174	180	39	219	743	98	841	245	15	260	1,643
Sentence — one year, under two.....	7	1	8	10	1	11	18	1	19	58	37	95	46	4	50	679
Confined in institution, 1st time.....	1,135	34	1,169	2,208	126	2,424	1,600	47	1,647	1,725	183	1,918	1,041	58	1,099	8,257
Confined in institution, 2d time.....	174	2	176	740	48	788	497	27	524	512	12	524	195	16	211	2,231
Confined in institution, 3d time.....	138	3	141	310	47	357	157	14	171	50	3	53	100	7	107	829
Confined in institution, 4th time and over.....	241	15	256	1,179	222	1,401	286	42	328	50	4	54	189	14	203	2,256
Married.....	210	52	262	927	306	1,233	475	83	558	680	80	760	486	67	553	3,306
Single.....	1,476	2	1,478	3,600	147	3,747	2,059	47	2,106	1,637	122	1,759	1,039	28	1,067	10,177
Can read and write.....	1,555	37	1,592	4,164	419	4,583	2,424	123	2,547	1,850	156	2,006	1,411	83	1,494	12,252
Cannot read or write.....	131	17	148	363	34	397	106	7	113	457	40	503	114	12	126	1,257
Can read only.....	1	1	2	4	4	8	4	4	8	1	1	2	1	1	2	4
Temperate.....	9	4	13	2,313	227	2,540	35	5	40	1	1	2	1	1	2	4
Intemperate.....	1,677	50	1,727	2,121	226	2,447	2,409	135	2,624	1	1	2	1	1	2	4
White.....	1,589	43	1,632	4,272	368	4,640	2,505	138	2,643	2,173	142	2,315	1,396	93	1,489	8,280
Colored.....	97	11	108	255	85	340	29	2	31	164	60	224	64	15	79	782
Foreign born.....	507	5	512	1,601	134	1,735	648	48	696	989	92	1,081	340	30	370	4,394
Native born.....	1,179	49	1,228	2,926	319	3,245	1,886	82	1,968	1,388	110	1,498	1,185	65	1,250	9,149
Roman Catholic.....	1,300	29	1,329	3,082	269	3,351	1,465	76	1,541	1,368	81	1,449	953	45	998	8,768
Protestant.....	312	25	337	1,401	170	1,477	1,057	54	1,111	220	19	239	16	10	26	4,502
Jewish.....	14	1	15	25	0	25	31	12	43	220	19	239	16	10	26	4,502
No religion.....	1	1	2	19	2	21	31	12	43	220	19	239	16	10	26	4,502

* No record.

POPULATION OF CORRECTIONAL INSTITUTIONS ON SEPTEMBER 30TH, 1904

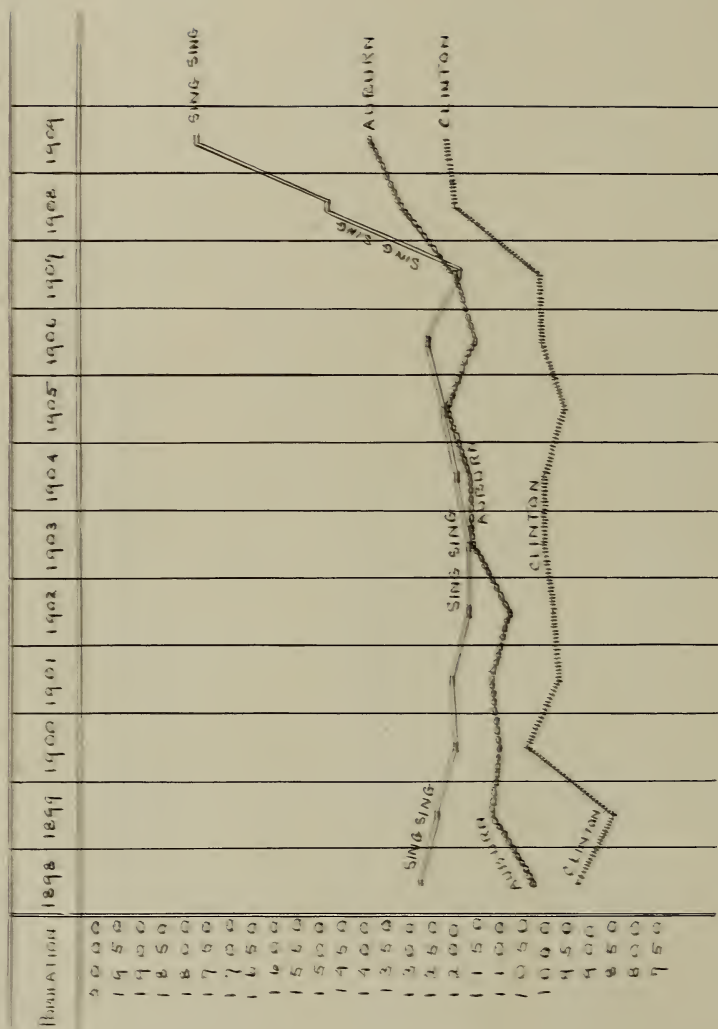


ADMISSIONS AND COMMITMENTS TO PRISONS, NEW YORK STATE OCTOBER 1, 1908 = SEPTEMBER 30, 1909



PRISON POPULATION OF SINGSING, AUBURN

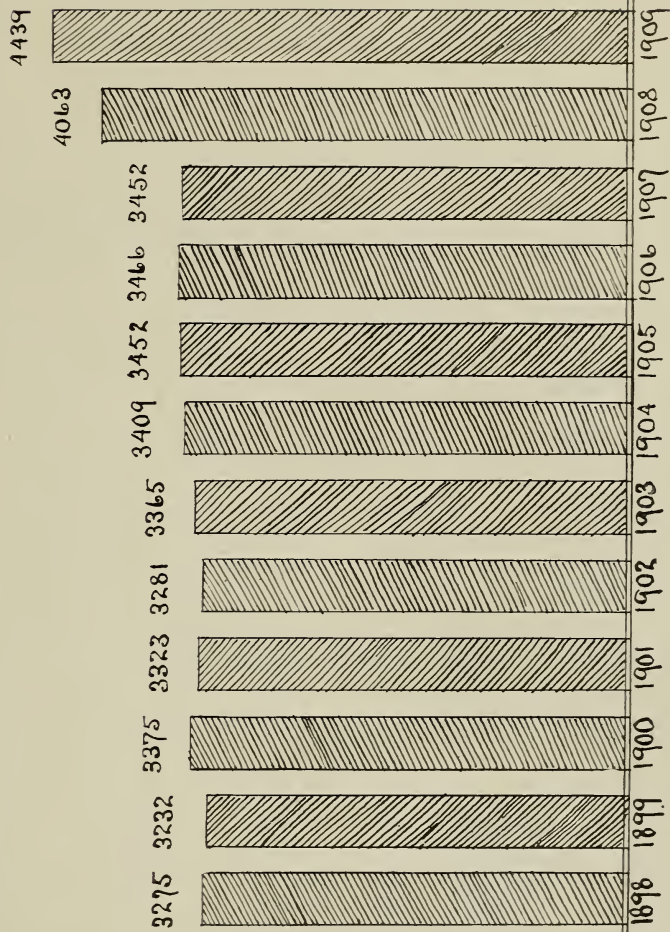
AND CLINTON ON SEPT. 30TH OF EACH YEAR FROM 1898 TO 1907



TOTAL PRISON POPULATION OF NEW YORK STATE SING SING, AUBURN, CLINTON PRISONS = SEPT. 30TH OF EACH YEAR

POPULATION

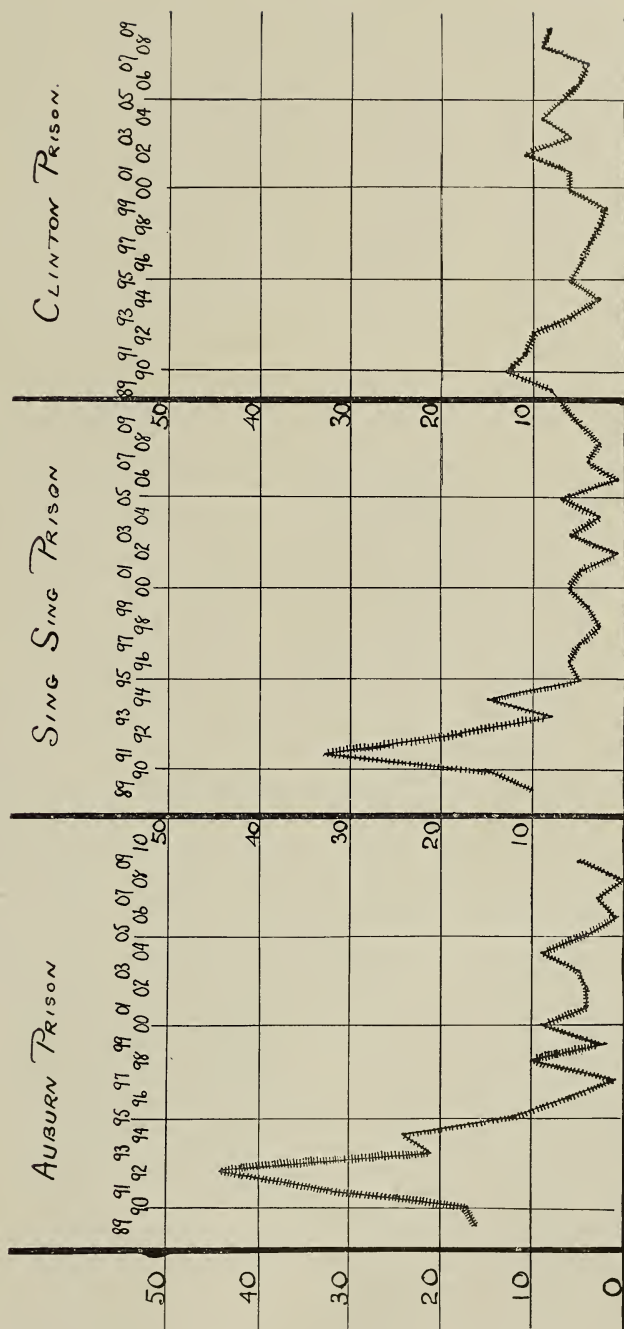
5000
4800
4600
4400
4200
4000
3800
3600
3400
3200
3000
2800
2600
2400
2200
2000
1800
1600
1400
1200
1000
800
600
400
200
0





DEATHS FROM TUBERCULOSIS
IN
THE THREE NEW YORK STATE PRISONS
AUGURN - SING SING - CLINTON

1889=1909



DEATHS FROM TUBERCULOSIS, YEAR BY YEAR, 1889-1909, AUBURN, SING SING, CLINTON PRISONS.

Excerpts from "Prison Law."

§ 110. Officers and employees of prisons. The Superintendent of state prisons shall appoint the agent and warden, physician, and chaplain of each of the said prisons, as provided in the constitution; and he may remove them from office whenever in his judgment the public interests shall so require. He shall designate such number of guards, teachers and other employees at each of said prisons as he may deem necessary for the safe-keeping and improvement of the prisoners or for the maintenance of discipline, and he shall also designate which of them shall reside at the prison. But the number of guards shall not exceed the proportion of one guard to fourteen prisoners at each of said prisons.

1. The Comptroller shall appoint a clerk of each of said prisons as provided by the constitution, and is authorized to appoint an assistant clerk of each of said prisons whenever in his judgment the public interests shall so require.

2. The agent and warden of each of said prisons shall appoint, subject to the approval of the superintendent of state prisons, a principal keeper, a store-keeper, a kitchen-keeper, a hall-keeper, a yard-keeper, a sergeant of the guard, and so many other guards, teachers and employees of such prison as shall be designated by the superintendent of state prisons as aforesaid, and such agent and warden shall have the power to remove such subordinate officers and employees so appointed by him.

3. No appointment shall be made in any of the state prisons of this state on the grounds of political partisanship; but honesty, capacity and adaptation shall constitute the rule for appointments, and any violation of this rule shall be sufficient cause for the removal from office of the officer committing such violation. No person under twenty-one years of age shall be appointed to or hold any office at any state prison, nor shall any subordinate officer be appointed at any of said prisons by the agent and warden, unless such subordinate officer is a citizen of this state.

§ 120. Office, powers and duties of superintendent. The superintendent of state prisons shall have his office in the city of Albany. He shall have the superintendence, management and control of the state prisons and of the convicts therein, and of all matters relating to the government, discipline, police, contracts and fiscal concerns thereof. He shall have power and it shall be his duty to inquire into all matters connected

with said prisons. He shall make such rules and regulations, not in conflict with the statutes of this state, for the government of the officers, guards and employees of the prisons, except the clerks and assistant clerks, who shall be subject to such rules and regulations as shall be prescribed by the comptroller, and in regard to the duties to be performed by them, and for the government and discipline of each prison, as he may deem proper, and shall cause such rules and regulations to be recorded by the clerk of the prison, and a printed copy thereof to be furnished to each officer of the prison on his appointment. He shall also prescribe a system of accounts and records to be kept at each prison, which system shall be uniform at all of said prisons, and he may also make rules and regulations for a record of photographs and other means of identifying each convict received into said prisons.

It shall be the duty of the superintendent of state prisons to provide an electrical apparatus suitable and sufficient for the infliction of the punishment of death as provided by section five hundred and five of the code of criminal procedure in each of the state prisons of this state; together with the necessary machinery and appliances for the execution of convicted criminals as provided by said code.

§ 122. Powers and duties of agent and warden. The agent and warden of each of said prisons shall attend regularly at such prison, and exercise a general supervision over its government, discipline and police, and attend to the fiscal and business concerns of the prison, and conform to and enforce the rules and regulations of the superintendent of state prisons in relation thereto.

§ 148. Prisoners, how graded. The superintendent of state prisons shall direct the classification of prisoners into three classes or grades, as follows: In the first grade shall be included those appearing to be corrigible or less vicious than the others and likely to observe the laws and to maintain themselves by honest industry after their discharge; in the second grade shall be included those appearing to be incorrigible or more vicious, but so competent to work and so reasonably obedient to prison discipline as not seriously to interfere with the productiveness of their labor, or of the labor of those in company with whom they may be employed; in the third grade shall be included those appearing to be incorrigible or so insubordinate or so incompetent otherwise than from temporary

ill health as to seriously interfere with the discipline or productiveness of the labor of the prison.

§ 149. **Promotions and reductions in grade.** The superintendent of state prisons may make rules and regulations for the promotion or reduction of the prisoners from one grade to another, and shall transfer from time to time the prisoners in the state prisons from one prison to another with reference to the respective capacities of the several state prisons, or with reference to the health or reformation of the prisoners, or with reference to including all prisoners of one grade as nearly as may be practicable in one prison, or may direct the separation from each other of the prisoners of different grades so far as practicable within each state prison.

§ 150. **Prison instruction.** It shall be the duty of the agent and warden of each of such prisons, so far as practicable and necessary, to appoint as guards of such prison, persons qualified to instruct the prisoners in the trades and manufactures prosecuted in such prison, or in other industrial occupations. Instruction shall also be given in the useful branches of an English education to such prisoners as in the judgment of the agent and warden or chaplain may require the same and be benefited thereby. The time devoted to such instruction shall not be less than an average of one hour and a half daily. Sunday excepted, between the hours of six and nine in the evening, in such room or rooms as may be provided for that purpose.

§ 153. **Prison punishment.** The punishments commonly known as the shower bath, crucifix, and yoke and buck are hereby abolished in all the state prisons of this state. No guard in any prison shall inflict any blows whatever upon any prisoner, unless in self-defense, or to suppress a revolt or insurrection. When several prisoners combine, or any single prisoner shall offer violence to any officer of a state prison, or to any other prisoner, or do or attempt to do any injury to the building or any workshop or to any appurtenances thereof, or to any property therein, or shall attempt to escape, or shall resist or disobey any lawful command, the officers of the prison shall use all suitable means to defend themselves, to enforce observation of discipline; to secure the persons of the offenders, and to prevent any such attempt or escape.

§ 154. **Solitary confinement on short rations.** If in the opinion of the agent and warden of such prison it shall be

deemed necessary, in any case, to inflict unusual punishment in order to produce the entire submission or obedience of any prisoner, it shall be the duty of such agent and warden to confine such prisoner immediately in a cell, upon a short allowance, and to retain him therein until he shall be reduced to submission and obedience. The short allowance of each prisoner so confined shall be prescribed by the physician, whose duty it shall be to visit such prisoner and examine daily into the state of his health until the prisoner be released from solitary confinement and returned to his labor.

§ 170. Contracts prohibited. The superintendent of state prisons shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner in any state prison, reformatory, penitentiary or jail in this state, or the product or profit of his work, shall be contracted, let, farmed out, given or sold to any person, firm, association, or corporation; except that the convicts in said penal institutions may work for, and the products of their labor may be disposed of to, the state or any political division thereof or for or to any public institution owned or managed and controlled by the state, or any political division thereof.

§ 171. Prisoners to be employed; products of labor of prisoners. The superintendent of state prisons, the superintendent, managers and officials of all reformatories and penitentiaries in the state, shall, so far as practicable, cause all the prisoners in said institutions, who are physically capable thereof, to be employed at hard labor, for not to exceed eight hours of each day, other than Sundays and public holidays, but such hard labor shall be either for the purpose of production of supplies for said institution, or for the state, or any political division thereof, or for any public institution owned or managed and controlled by the state, or any political division thereof; or for the purpose of industrial training and instruction, or partly for one, and partly for the other of such purposes.

§ 172. Labor of prisoners of first grade, how directed. The labor of the prisoners of the first grade in each of said prisons, reformatories and penitentiaries, shall be directed with reference to fitting the prisoner to maintain himself by honest industry after his discharge from imprisonment, as the primary or sole object of such labor, and such prisoners of the first grade may be so employed at hard labor for industrial training and instruction solely, even though no useful or salable pro-

ducts result from their labor, but only in case such industrial training or instruction can be more effectively given in such manner. Otherwise, and so far as is consistent with the primary object of the labor of prisoners of the first grade as aforesaid, the labor of such prisoners shall be so directed as to produce the greatest amount of useful products, articles and supplies needed and used in the said institutions, and in the buildings and offices of the state, or those of any political division thereof, or in any public institution owned or managed and controlled by the state or any political division thereof, or said labor may be for the state, or any political division thereof.

§ 173. Labor of prisoners of second grade, how directed. The labor of prisoners of the second grade in said prisons, reformatories and penitentiaries shall be directed primarily to labor for the state or any political division thereof, or to the production and manufacture of useful articles and supplies for said institutions, or for any public institution owned or managed and controlled by the state, or any political division thereof.

§ 174. Labor of prisoners of third grade, how directed. The labor of prisoners of the third grade shall be directed to such exercise as shall tend to the preservation of health, or they shall be employed in labor for the state, or a political division thereof, or in the manufacture of such useful articles and supplies as are needed and used in the said institutions, and in the public institutions owned or managed and controlled by the state, or any political division thereof.

§ 175. Prisoners employed for use of state, and divisions thereof. All convicts sentenced to state prisons, reformatories and penitentiaries in the state, shall be employed for the state, or a political division thereof, or in productive industries for the benefit of the state, or the political divisions thereof, or for the use of public institutions owned or managed and controlled by the state, or the political divisions thereof, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the state commission of prisons.

§ 177. Labor of prisoners in prisons, reformatories and penitentiaries. The labor of the convicts in the state prisons and reformatories in the state, after the necessary labor for and manufacture of all needed supplies, for said institutions, shall be primarily devoted to the state and the public buildings and institutions thereof, and the manufacture of supplies for

the state, and public institutions thereof, and secondly to the political divisions of the state, and public institutions thereof; and the labor of the convicts in the penitentiaries, after the necessary labor for and manufacture of all needed supplies for the same, shall be primarily devoted to the counties, respectively, in which said penitentiaries are located, and the towns, cities and villages therein, and to the manufacture of supplies for the public institutions of the counties, or the political divisions thereof, and secondly to the state and the public institutions thereof.

§ 178. Labor of prisoners in certain institutions. The state board of managers of reformatories, and the managing authorities of all the penitentiaries or other penal institutions in this state, are hereby authorized and directed to conduct the labor of prisoners therein, respectively, in like manner and under like restrictions, as labor is authorized by sections one hundred and seventy and one hundred and seventy-one of this article, to be conducted in state prisons.

§ 179. Employment of convicts on public highways. The superintendent of state prisons may employ or cause to be employed, not to exceed three hundred of the convicts confined in each state prison in the improvement of the public highways, within a radius of thirty miles from such prison and outside of an incorporated city or village.

The agent and warden of each prison may make such rules as he may deem necessary for the proper care of such prisoners while so employed, subject to the approval of the superintendent of state prisons.

The agent and warden of each prison may designate, subject to the approval of the superintendent of state prisons, the highways and portions thereof upon which such labor shall be employed; and such portions so designated and approved shall be under his control during the time such improvements are in progress, and the state engineer and surveyor shall fix the grade and width of the roadway of such highways and direct the manner in which the work shall be done.

The superintendent of state prisons is hereby authorized to purchase any machinery, tools and materials necessary in such employment.

§ 181. Classification of industries; report as to industries. It shall be the duty of the superintendent of state prisons to distribute, among the penal institutions under his

jurisdiction, the labor and industries assigned by the commission to said institutions, due regard being had to the location and convenience of the prisons, and of the other institutions to be supplied, the machinery now therein and the number of prisoners, in order to secure the best service and distribution of the labor, and to employ the prisoners, so far as practicable, in occupations in which they will be most likely to obtain employment after their discharge from imprisonment; to change or dispose of the present plants and machinery in said institutions now used in industries which shall be discontinued, and which can not be used in the industries hereafter to be carried on in said prisons, due effort to be made by full notice to probable purchasers, in case of sales of industries or machinery, to obtain the best price possible for the property sold, and good will of the business to be discontinued. The superintendent of state prisons shall annually cause to be procured and transmitted to the legislature, with his annual report, a statement showing in detail the amount and quantity of each of the various articles manufactured in the several penal institutions under his control and the labor performed by convicts therein, and of the disposition thereof.

§ 182. Articles manufactured to be furnished to the state or division thereof. The superintendent of state prisons; and the superintendents of reformatories and penitentiaries, respectively, are authorized and directed to cause to be manufactured by the convicts in the prisons, reformatories and penitentiaries, such articles as are needed and used therein, and also such as are required by the state or political divisions thereof, and in the buildings, offices and public institutions owned or managed and controlled by the state, including articles and materials to be used in the erection of the buildings. All such articles manufactured in the state prisons, reformatories and penitentiaries, and not required for use therein, shall be of the styles, patterns, designs and qualities fixed by the board of classification, and may be furnished to the state, or to any political division thereof, or for or to any public institution owned or managed and controlled by the state, or any political division thereof, at and for such prices as shall be fixed and determined as hereinafter provided, upon the requisitions of the proper officials, trustees or managers thereof. No article so manufactured shall be purchased from any other source, for the state or public institutions of the state, or the political

divisions thereof, unless said state commission of prisons shall certify that the same can not be furnished upon such requisition, and no claim therefor shall be audited or paid without such certificate.

§ 184. Board of classification; prices to be fixed. The fiscal supervisor of state charities, the state commission of prisons, and the superintendent of state prisons and the lunacy commission are hereby constituted a board to be known as the board of classification. Said board shall fix and determine the prices at which all labor performed, and all articles manufactured in the charitable institutions managed and controlled by the state and in the penal institutions in this state, and furnished to the state, or the political divisions thereof, or to the public institutions thereof, shall be furnished, which prices shall be uniform to all, except that the prices for goods or labor furnished by the penitentiaries to or for the county in which they are located, or the political divisions thereof, shall be fixed by the board of supervisors of such counties, except New York and Kings counties, in which the prices shall be fixed by the commissioners of charities and correction, respectively. The prices shall be as near the usual market price for such labor and supplies as possible. The state commission of prisons shall devise and furnish to all such institutions a proper form for such requisition, and the comptroller shall devise and furnish a proper system of accounts to be kept for all such transactions. It shall also be the duty of the board of classification to classify the buildings, offices and institutions owned or managed and controlled by the state, and it shall fix and determine the styles, patterns, designs and qualities of the articles to be manufactured for such buildings, offices and public institutions, in the charitable and penal institutions in this state. So far as practicable, all supplies used in such buildings, offices and public institutions shall be uniform for each class, and of the styles, patterns, designs and qualities that can be manufactured in the penal institutions in this state.

§ 185. Earnings of prisoners. Every prisoner confined in the state prisons, reformatories and penitentiaries, who shall become entitled to a diminution of his term of sentence by good conduct, may, in the discretion of the agent and warden, or of the superintendent of the reformatory, or superintendent of the penitentiary, receive compensation from the earnings of the prison or reformatory or penitentiary in which he is confined,

such compensation to be graded by the agent and warden of the prison for the prisoners therein, and the superintendent of the reformatory and penitentiary for the prisoners therein, for the time such prisoner may work, but in no case shall the compensation allowed to such convicts exceed in amount ten per centum of the earnings of the prison or reformatory or penitentiary in which they are confined. The difference in the rate of compensation shall be based both on the pecuniary value of the work performed, and also on the willingness, industry and good conduct of such prisoner; provided, that whenever any prisoner shall forfeit his good time for misconduct or violation of the rules or regulations of the prison, reformatory or penitentiary, he shall forfeit out of the compensation allowed under this section fifty cents for each day of good time so forfeited; and provided, that prisoners serving life sentences shall be entitled to the benefit of this section when their conduct is such as would entitle other prisoners to a diminution of sentence, subject to forfeiture of good time for misconduct as herein provided. The agent and warden of each prison, or the superintendent of the reformatory or superintendent of the penitentiary may institute and maintain a uniform system of fines, to be imposed at his discretion, in place of his other penalties and punishments, to be deducted from such compensation standing to the credit of any prisoner, for misconduct by such prisoner.

§ 187. Disposition of moneys paid to prisoner for his labor. The amount of such surplus standing on the books of the prison to the credit of any prisoner may be drawn by the prisoner during his imprisonment, only upon the certified approval of the superintendent of state prisons for disbursement by the agent and warden of said prison or superintendent of said reformatory to aid dependent relatives of such prisoner, or for such other purposes as the superintendent of state prisons may approve, or may with the approval of the said superintendent of state prisons be so disbursed without the consent of such prisoner. And any balance to the credit of any prisoner at the time of his conditional release as provided by this article, shall be subject to the draft of the prisoner in such sums and at such times as the superintendent of state prisons shall approve; but at the date of the absolute discharge of any prisoner the whole amount of credit balance as aforesaid shall be subject to his draft at his pleasure. Provided, that any prisoner violating his conditional release, when the violation is formally declared

by the board of parole for state prisons, or by the board of managers of said reformatory, shall thereby forfeit any credit balance; and the amount thereof shall be transferred to the fund in aid of discharged prisoners, as herein provided for fines imposed, except such portion thereof as may be applied to pay the expense of his recapture as hereinbefore provided.

PAROLES.

§ 210. Board of parole for state prisons; parole officers. There shall be a board of parole for state prisons of three members to consist of the superintendent of prisons, and two members to be appointed by the governor, by and with the advice and consent of the senate. This board shall have all the powers and perform all the duties now devolving by law upon the board of commissioners for paroled prisoners for the state prisons. It shall adopt a uniform system of marking prisoners by means of which shall be determined the number of marks or credits to be earned by each prisoner as a condition of release by parole, which system shall be subject to revision from time to time. It shall also be its duty to make examination and report to the governor with its recommendations on all applications for pardon referred to it by the governor. The members of said board other than the superintendent of prisons shall receive for their services an annual salary of not to exceed one thousand five hundred dollars each from the dates of their respective appointments to October first, nineteen hundred and eight, and thereafter an annual salary of not to exceed one thousand eight hundred dollars each and shall hold office for a term of five years from the time of their appointment. They shall also receive their necessary expenses actually incurred in the discharge of their official duties. In case of the absence or disability of the superintendent of prisons he may deputize his chief clerk to represent and act for him at any meeting of said board. Each agent and warden shall appoint a parole officer for the prison of which he is in charge. It shall be the duty of such officers to aid paroled prisoners in securing employment and to visit and exercise supervision over them while on parole and they shall have such authority and perform such other duties as the board of parole may direct. The salary of each parole officer shall not exceed twelve hundred dollars per annum, which together with his actual and necessary traveling expenses

shall be payable from the maintenance fund of the prison to which he is assigned.

§ 211. Prisoners subject to parole. Every person now confined in a state prison or reformatory, under sentence for a definite term for a felony, the maximum penalty for which is imprisonment for five years or less, exclusive of fines, who has never before been convicted of a crime punishable by imprisonment in a state prison, shall be subject to the jurisdiction of the board of parole for state prisons and may be paroled in the same manner and subject to the same conditions and penalties as prisoners confined under indeterminate sentences. The minimum and maximum terms of the sentences of said prisoners are hereby fixed and determined to be as follows: The definite term for which each person is sentenced shall be the maximum limit of his term, and one-third of the definite term of his sentence shall be the minimum limit of his term.

§ 212. Meetings of board; applications for parole or discharge. A majority of the board of parole for state prisons shall constitute a quorum for the transaction of business and they shall meet monthly at each of said prisons upon dates to be fixed by them between April first and December first, excepting the month of August, and at such other times as they may deem necessary between December first and the following April first in each year. Each prisoner confined in the state prisons may one month prior to the expiration of the minimum term of his sentence, make application to the board, in writing and in such form as they may prescribe, for his release upon parole, or for an absolute discharge as hereinafter provided, and said board is hereby prohibited from entertaining any other form of application or petition for the release upon parole or absolute discharge of any prisoner.

§ 213. Biographical record of prisoners on indeterminate sentence. The superintendent of state prisons shall cause to be kept, at each state prison, a full and accurate record of each prisoner therein confined upon an indeterminate sentence, which record shall include a biographical sketch covering such items as may indicate the causes of the criminal character or conduct of the prisoner, and also a record of the demeanor, education and labor of the prisoner while confined in such prison; and whenever such prisoner is transferred from one prison to another, a copy of such record or an abstract or the substance thereof, together with the certified copy of the

sentence of such prisoner, shall be transmitted with such prisoner to the prison to which he shall be transferred.

§ 214. Release on parole of prisoners on indeterminate sentence. If it shall appear to said board of parole for state prisons, upon an application by a convict for release on parole as hereinbefore provided, that there is reasonable probability that such applicant will live and remain at liberty without violating the law, then said board may authorize the release of such applicant upon parole, and such applicant shall thereupon be allowed to go upon parole outside of said prison walls and inclosure upon such terms and conditions as said board shall prescribe, but to remain, while so on parole, in the legal custody and under the control of the agent and warden of the state prison from which he is so paroled, until the expiration of the maximum term specified in his sentence as hereinbefore provided, or until his absolute discharge as hereinafter provided.

§ 215. Warrant for arrest of paroled prisoner. If the agent and warden of the prison from which such prisoner was paroled, or said board or any member thereof, shall have reasonable cause to believe that the prisoner so on parole has violated his parole and has lapsed or is probably about to lapse into criminal ways or company, then such agent and warden or said board or any member thereof, may issue his warrant for the retaking of such prisoner.

§ 216. Officer may arrest prisoner. Any officer of said prison, any parole officer, or any officer authorized to serve criminal process within this state to whom such warrant shall be delivered is authorized and required to execute said warrant by taking said prisoner and returning him to said prison, within the time specified in said warrant therefor. Such officer other than an officer of the prison, or parole officer, shall be entitled to receive the same fees therefor as upon the execution of a warrant of arrest at the place where said prisoner shall be retaken, and as for transporting a convict from the place of arrest to the prison, in case such officer also transports said prisoner to the prison. Such fees of the officer other than a prison officer, or parole officer, and the expenses of a prison officer in executing such warrant shall be paid by the agent and warden of the prison out of the moneys standing to the credit of such paroled prisoner as hereinafter provided, if any or sufficient therefor, and otherwise out of the funds of the prison. The parole officers, for purposes of identification, may, within

this state, measure, describe and photograph prisoners in accordance with the Bertillon system.

§ 217. Appearance of recaptured paroled prisoner before board of parole; imprisonment after delinquency. At the next meeting of the board of parole of state prisons, held at such prison, after the issuing of a warrant for the retaking of any paroled prisoner, said board shall be notified thereof. If said prisoner shall have then been returned to said prison, he shall be given an opportunity to appear before said board, and the said board may after such opportunity has been given, or in case said prisoner has not yet been returned, declare said prisoner to be delinquent, and he shall whenever arrested by virtue of such warrant be thereafter imprisoned in said prison for a period equal to the unexpired maximum term of sentence of such prisoner, at the time such delinquency is declared, unless sooner released on parole or absolutely discharged by the board of parole of state prisons.

§ 218. Absolute discharge of paroled prisoner. If it shall appear to said board of parole that there is reasonable probability that any prisoner so on parole will live and remain at liberty without violating the law, and that his absolute discharge from imprisonment is not incompatible with the welfare of society, then said board shall, if such prisoner was originally sentenced to an indeterminate term, issue to said prisoner an absolute discharge from imprisonment upon such sentence, which shall be effective therefor, and if such prisoner was originally sentenced to a definite term the said board shall report his case to the governor, with such information and recommendations as they may deem proper, for his discretionary action.

§ 219. Not to affect governor's powers to pardon or commute. Nothing herein contained shall be construed to impair the power of the governor of the state to grant a pardon or commutation in any case.

COMMUTATIONS.

§ 230. Definite sentence; indeterminate sentence; commutation. A sentence to imprisonment in a state prison for a definite fixed period of time is a definite sentence. A sentence to imprisonment in a state prison having minimum and maximum limits fixed by the court is an indeterminate sentence. Every convict confined under a definite sentence in any state

prison or penitentiary in this state, on a conviction of a felony or misdemeanor, whether male or female, where the terms or term equal or equals one year, exclusive of any term which may be imposed by the court or by statute as an alternative to the payment of a fine, or a term of life imprisonment, may earn for himself or herself a commutation or diminution of his or her sentence or sentences as follows, namely, two months for the first year, two months for the second year, four months each for the third and fourth years, and five months for each subsequent year.

§ 231. Commutation, how computed. Where any convict in any state prison or penitentiary in this state is held under more than one conviction, the several terms of imprisonment imposed thereunder shall be construed as one continuing term for the purpose of estimating the amount of commutation which he or she may be entitled to under the provisions of this article.

§ 232. Term of imprisonment, when to begin. For the purpose of this article the term of imprisonment of each convict shall begin on the date of his or her actual incarceration in a state prison or penitentiary.

§ 233. Warden to report monthly to governor; contents. On any day not later than the twentieth day of each month, the agent and warden of each of the state prisons in this state, and the warden or superintendent of each of the penitentiaries in this state, shall forward to the governor a report, directed to him, of any convict who may be discharged the following month by reason of the commutation of his or her sentence in the manner hereinafter provided, which may be written or printed, or partly written and partly printed, which shall be uniform as to size and arrangement, which size and arrangement shall be fixed by the governor, and shall contain the following information, distinctly written, namely: The full name of the convict, together with any alias which he or she may be known to have, the name of the county where the conviction was had, a brief description of the crime of which the convict was convicted, the name of the court in which the conviction was had, the name of the presiding judge, the date of sentence, the date of reception in the prison or penitentiary, the term and fine, the amount of commutation recommended, and the date for discharge from the prison or penitentiary, if allowed.

§ 234. Terms expiring on holidays and Sundays. In the cases of all convicts where the date of discharge from a state prison or penitentiary, as determined after the allowance of commutation for good conduct, falls on Sunday, or any legal holiday, it shall fall on the day following.

§ 235. Rules for allowance of commutation; change thereof. The superintendent of state prisons shall formulate rules governing the allowance or disallowance of commutation to convicts for good conduct in prison or penitentiary which shall in all cases be strictly adhered to in all the prisons and penitentiaries in this state. These rules may be changed from time to time, if necessary, in the discretion of the superintendent of state prisons, and he shall immediately on their adoption or of any changes in the same thereafter, cause copies of the same to be forwarded to the agents and wardens of all the prisons, and the wardens or superintendents of all the penitentiaries in this state. A copy of these rules shall be furnished to every convict entitled to the benefits of this article.

§ 236. Allowance of commutation to be determined by prison board; regulations respecting the same; part of commutation may be withheld. For the purpose of applying the rules mentioned in the last section for the allowance or disallowance of commutation for the good conduct of any convict, a board shall be constituted in each of the prisons and penitentiaries of this state, to consist of the agent and warden in each of the state prisons and the principal keeper and the physician therein, and the warden or superintendent in each of the penitentiaries of this state, the deputy or principal keeper and the physician therein, or of the persons acting in their place and stead. This board shall meet once in each month before the date fixed for the transmission of their report to the governor, as hereinbefore provided, and proceed to determine the amount of commutation which they shall recommend to be allowed to any convict, which shall not in any case exceed the amount fixed by this article. They shall have full discretion to recommend the withholding of the allowance of commutation for good conduct, or of a part thereof, as a punishment for offenses against the discipline of the prison or penitentiary, in accordance with the rules hereinbefore mentioned.

§ 237. Reasons for withholding to be sent to governor; his power. In all cases, however, where the board shall recommend the withholding of the allowance of the whole or any

part of commutation for good conduct, they shall forward with their report to the governor their reasons, in writing, for such disallowance, and the governor may, in his discretion, decrease or increase the amount of commutation as recommended by the said board, but he shall not increase the same beyond the amount fixed by this article.

§ 238. Forfeiture of commutation for escapes. In case any convict in any of the state prisons or penitentiaries in this state having a sentence or sentences which equals or equal four years, escapes or attempts to escape, he or she shall, for the first escape or attempt to escape, forfeit one-half of the amount of commutation fixed by this article. For the second escape or attempt to escape, he or she shall forfeit all commutation for good conduct as provided for in this article. Any convict, however, having a sentence or sentences which equals or equal less than four years, who escapes or attempts to escape, shall forfeit all commutation for good conduct as provided for in this article. But where a convict has more than one term, the provisions of this section shall only apply to the term during which the escape or attempt to escape was made.

§ 239. Proceedings for determining as to escapes. The board hereinbefore provided for to fix the amount of commutation for good conduct shall, immediately on the escape or attempt to escape of any convict, meet and proceed to investigate the said escape or attempt to escape, reduce the testimony of all persons having knowledge on the subject to writing, cause the said persons to affix their signatures thereto and make oath to the same before any one of the members of said board, who is hereby authorized and empowered to administer such oath, and false swearing on such examination or in such statement shall be perjury. The said board shall thereupon make a full report in writing and immediately forward the same to the superintendent of state prisons, who shall thereupon determine whether an escape or attempt to escape was committed, make an indorsement, in writing, of his decision, and return the same to the agent and warden of the state prison, or the warden or superintendent of the penitentiary where the escape or attempt to escape shall have occurred, where the same shall be recorded in a book to be kept for that purpose. But if from newly-discovered evidence, or other just cause, there is reasonable ground to believe that an injustice has been done to any convict in his or her having been adjudged to have escaped or

attempted to escape, the superintendent of state prisons may, in his discretion, make an order in writing directed to the agent and warden of the state prison or the warden or superintendent of the penitentiary from which such convict was adjudged to have escaped or attempted to escape, requiring that a re-examination of the former adjudication be had and upon a report to him of such re-examination, he shall proceed to render a decision upon the same. And the proceedings on such re-examination, the decision and the proceedings had thereunder shall in all respects be conducted in the manner above set forth in this section as upon a first hearing in the matter of an escape or attempt to escape. But the provisions of this section shall not apply to the case of any convict, the length of whose term or terms is less than one year.

§ 240. To whom provisions as to escapes are applicable. The provisions of section two hundred and thirty-eight shall apply to all convicts who are now, or who may hereafter be confined in any prison or penitentiary of this state.

§ 241. Reports to governor, how signed. The reports of the various boards for the determination of the amount of commutation for good conduct of convicts in the prisons and penitentiaries of this state to the governor, shall be personally signed by the members thereof.

§ 242. Power of governor to grant commutation for good conduct. The governor, upon the receipt of the report recommending the allowance of commutation of sentences of convicts for good conduct as provided for in this article, may, in his discretion, allow the same, and place the names of all those convicts whom he may determine to commute upon one warrant, and direct the same to the agent and warden of the state prison, or the warden or superintendent of the penitentiary, wherein such convicts may be confined, who shall thereupon proceed to execute such warrant by discharging the convicts mentioned therein on the date fixed for their discharge.

§ 243. Governor to annex condition to commutation; return of convict to prison for violation. The governor shall, in commuting the sentences of convicts as provided for in this article, annex a condition to the effect that if any convict so commuted shall, during the period between the date of his or her discharge by reason of such commutation and the date of the expiration of the full term for which he or she was sentenced, be convicted of any felony, he or she shall, in addition to

the penalty which may be imposed for such felony committed in the interval as aforesaid, be compelled to serve in the prison or penitentiary in which he or she may be confined for the felony for which he or she is so convicted, the remainder of the term without commutation which he or she would have been compelled to serve but for the commutation of his or her sentence as provided for in this article.

§ 244. Certificate of warden as to commutation may be received in evidence. The certificate of the agent and warden of a state prison or the warden or superintendent of a penitentiary, that the period of imprisonment of a convict was commuted under the provisions of this article, and of the crime and the length of term for which such commutation was granted, shall be received in evidence as proof for the purposes mentioned and described in section two hundred and forty-three.

§ 245. Convicts to be informed of this article. Upon the receipt of any convict in any prison or penitentiary in this state who shall be entitled to the benefits of this article, the provisions of the same shall be read to him or her and the meaning of the same shall be fully explained to him or her by the clerk of the prison or penitentiary.

§ 246. Proceedings upon discharge. Upon the discharge of any convict by reason of commutation of sentence for good conduct, the provisions of sections two hundred and forty-three and two hundred and forty-four of this article shall be read, and their nature fully explained, to him or her, by the clerk of the prison or penitentiary.

§ 247. Application of article to a hospital for insane criminals or convicts. The provisions of this article shall apply to any prisoner who may have been transferred to a state hospital for insane criminals or convicts from any of the prisons or penitentiaries or from any reformatory of this state to which he or she may have been transferred from any of the prisons or penitentiaries of this state whose sentence or sentences aggregates or aggregate not less than one year. And the medical superintendent of such hospital may and shall perform any of the acts which may or shall be done by any board mentioned in this article.

§ 248. Application of article to convicts in reformatories. The provisions of this article shall apply to any convict who may have been transferred from any of the prisons or penitentiaries to any reformatory of this state, whose sentence

or sentences equals or equal not less than one year. And the superintendent or chief officer of such reformatory may and shall perform any of the acts which may or shall be done by any board mentioned in this article.

REFORMATORIES.

§ 280. Name and location of state reformatories. The state reformatory at Elmira is continued, and shall be known as the New York state reformatory; and the state reformatory at Napanoch is continued, and shall be known as the Eastern New York reformatory.

§ 281. Board of managers of state reformatories. There shall be a state board of managers of reformatories, consisting of seven members, who shall be appointed by the governor, by and with the advice and consent of the senate. The full term of office of each manager hereafter appointed shall be seven years. The managers of the reformatory at Elmira, in office on May thirteenth, nineteen hundred and six, shall be continued in office as members of said state board until the expiration of their terms, unless sooner removed for cause as provided by law. The said managers and two additional members appointed by the governor, as above provided, shall constitute said state board. The said state board of managers of reformatories shall elect from their number a president, a secretary and a treasurer. Said board may elect a secretary and treasurer for each institution. Such managers shall receive no compensation for their services, but shall receive their reasonable traveling and other official expenses.

§ 282. Control and management of Eastern New York reformatory at Napanoch vested in state board of managers. The superintendence, control and management of the Eastern New York reformatory at Napanoch shall continue to be vested in said state board of managers. All unexpended appropriations or balances of appropriations for the erection, construction or equipment of the said reformatory, or for any other purpose in connection therewith, shall be expended under the direction of the said state board of managers.

§ 283. Management and control of state reformatories vested in state board of managers. Said state board of managers shall continue to be vested with the management and control of the state reformatory at Elmira and the transfer and

parole of prisoners formerly possessed by the board of managers, and all existing laws relating to the management and control of the said New York state reformatory at Elmira and the transfer and parole of prisoners therein, are applicable to the management and control of the Eastern New York reformatory at Napanoch and the transfer and parole of prisoners therein. Said state board of managers shall be vested with the same authority, management and control of both of said reformatories, their officers and inmates, except as herein otherwise provided, that the present board of managers now possess over the said reformatory at Elmira, its officers and inmates.

§ 284. General powers and duties of state board of managers. The state board of managers of reformatories shall:

1. Have the general superintendence, management and control of said reformatories, of the grounds and buildings, officers and employees thereof, of the prisoners therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof.

2. Make rules, not inconsistent with law, for the proper government of said reformatories and of the officers and employees thereof, and for the employment, discipline, education, transfer, parole and discharge of prisoners sentenced thereto.

3. Investigate the affairs of said reformatories, inquire into any improper conduct alleged to have been committed by any officer or employee, and require reports from the superintendent of reformatories and other officers thereof in relation to the discipline, labor and government of said reformatories and have power to take proof under oath in any such investigation or inquiry.

4. Meet at least once in each month for the purpose of performing the several duties prescribed in this article.

5. Examine, monthly or quarterly, all the accounts, expenditures and vouchers relating to the business of said reformatories, and certify their approval or disapproval thereof to the comptroller.

6. Report to the legislature, annually, on or before the tenth day of January, for the year ending with the last day of the next preceding September, the condition of said reformatories, the amount of money received and expended by them during such year with a detailed statement thereof; their proceedings

in regard to the prisoners therein, and such other matters as they may deem proper, or as the legislature may require.

7. Make such other reports from time to time as the legislature may require.

§ 285. Transfer of prisoners from either reformatory to the other. The said state board of managers may transfer prisoners committed to their custody from either one of said institutions to the other, in their discretion, and may provide rules and regulations governing such transfers.

§ 286. Superintendent of reformatories and assistant superintendent; appointment, powers and duties. Said state board of managers shall appoint a superintendent of reformatories, and may remove him for cause after an opportunity to be heard. Said superintendent shall have general oversight of both institutions, and, subject to the approval of said board of managers, shall appoint all other officers and employees of said institutions, and be possessed with all the powers and perform all the duties in both institutions prescribed in this article. There shall be an assistant superintendent for each one of said institutions, who shall be authorized to exercise in the institution to which he was appointed the powers and duties of the superintendent in case of his absence or inability to perform such duties, and to exercise such powers and perform such other duties as may be prescribed by said board of managers or by the superintendent.

§ 287. General duties of superintendent of reformatories. The superintendent of reformatories, subject to the direction and control of the state board of managers, shall:

1. Have the general supervision and control of said reformatories, of the grounds and buildings, subordinate officers and employees thereof, the prisoners therein, and of all matters relating to the government and discipline thereof.

2. Make such rules and orders, not inconsistent with law, or with the rules and directions of the said board of managers, as he may deem proper or necessary for the government of said reformatories and of the officers and employees thereof; and for the employment, discipline and education of the prisoners sentenced thereto.

3. Annually report to the said board of managers, on or before the first day of December, all such matters as are required by the said board of managers.

4. Exercise such other powers and perform such other duties as the said board of managers may lawfully prescribe.

§ 295. Transportation of convicts to reformatories. Upon the receipt, by the superintendent of reformatories, of notice of the sentence of a convict to either of said reformatories, an officer of such reformatory shall proceed to the place of conviction, and the sheriff or keeper of the prison having custody of the convict shall deliver the convict to such officer, with the papers required to be delivered with such convict, and such officer shall thereupon convey such convict to the reformatory at the expense of the reformatory. Such officer shall for the purpose of such conveyance have all the powers possessed by sheriffs in conveying a convict to a state prison in pursuance of law.

§ 296. Transfer of prisoners to state prisons. If it shall appear to the state board of managers that said reformatories are over-crowded or that any prisoner confined in either of said reformatories,

1. Was, at the time of his conviction, more than thirty years of age; or

2. Has been previously convicted of a felony; or

3. While in the reformatory, is incorrigible and that his presence therein is seriously detrimental to the welfare of the institution; an application may be made to a justice of the supreme court of the judicial district in which such reformatory is located, for an order transferring the prisoner named therein to a state prison. Such application shall be by written petition signed by the president or secretary of the board and shall state the causes for seeking such transfer and due notice of such application with a copy of the petition shall be served personally or by mail at least eight days before the hearing on the superintendent of state prisons, who shall specify the institution to which such prisoner shall be transferred, in case the order shall be made. Such justice shall grant such order of transfer, on such hearing as he may prescribe, if it appears to his satisfaction that the facts alleged are true and that such transfer should be made. A prisoner so transferred shall be confined in such institution as under an indeterminate sentence, commencing with his imprisonment in the reformatory with a minimum of one year and a maximum fixed by law for the crime of which the prisoner was convicted and sentenced; and may be released on parole or absolutely discharged as are other prisoners con-

fined under an indeterminate sentence. Such prisoner may be returned at any time to the reformatory in the discretion of the superintendent of state prisons, and with the consent of the said board of managers.

§ 297. Transfer of convicts from state prisons to reformatories. Whenever there is unoccupied room in either of said reformatories, the state board of managers may make a requisition upon the superintendent of state prisons, for a sufficient number of well-behaved and most promising convicts under thirty years of age who are confined in a state prison because of a first offense, and the superintendent of state prisons shall transfer such convicts to such reformatory for education and treatment under the rules thereof. The said board of managers shall receive and detain the prisoners so transferred for the terms of their sentences, if such sentences are for fixed terms, less the commutation of imprisonment if earned, that would have been allowed to them for good conduct if they had completed their terms in the state prisons from which they were transferred. If such prisoners are confined under an indeterminate sentence, they may be paroled and discharged as are prisoners confined in a state prison, except that the said board of managers shall constitute a board of parole for the purpose of paroling and discharging such prisoners, and such board shall make rules for such parole and discharge not inconsistent with law and in general conformity with the rules made by the parole boards of the state prisons.

§ 298. Control and discipline of prisoners at reformatories. The state board of managers shall maintain such control over all prisoners committed to their custody, as shall prevent them from committing crime, best secure their self-support and accomplish their reformation. The discipline to be observed shall be reformatory, and the board of managers may use such means of reformation consistent with the security and improvement of the prisoners, as they may deem expedient. The prisoners may be employed in agricultural or mechanical labor as a means of securing their support and reformation.

§ 300. Parole of prisoners at reformatories. The state board of managers may allow any prisoner confined in either of said reformatories to go upon parole outside of the reformatory buildings and inclosures, pursuant to the rules of the board of managers. A person so paroled shall remain in

the legal custody and under the control of the board, until his absolute discharge, as provided by law. No personal appearances before the board shall be permitted in behalf of the parole or discharge of any prisoner.

§ 301. Retaking of paroled prisoners of reformatories. If the state board of managers has reasonable cause to believe that a paroled prisoner has violated the conditions of his parole, the board may issue its warrant certified by its secretary, for the retaking of such prisoner at any time prior to his absolute discharge. The time within which the prisoner must be retaken shall be specified in the warrant. Such warrant may be issued to an officer of the reformatory or to any peace officer of the state, who shall execute the same by taking such prisoner into custody within the time specified in the warrant. Thereupon such officer shall return such prisoner to the reformatory, where he may be retained for the remainder of the maximum term provided by law.

§ 302. Rules of reformatories. The state board of managers shall make rules, not inconsistent with law:

1. Prescribing the conditions under which prisoners may be paroled or conditionally released.

2. Regulating the retaking and reimprisonment of such prisoners.

3. Providing for the employment, discipline, instruction and education of the prisoners. Such rules shall be adopted by the resolution of the board of managers, passed at a meeting thereof, at which a majority of its members shall be present. All rules adopted and in force shall be printed and a copy thereof distributed to each officer, employee and prisoner in each of said reformatories.

§ 303. Marks for good conduct at reformatories; records filed with secretary of state. The state board of managers shall adopt a uniform system of marks by means of which shall be determined the number of marks or credits to be earned by each prisoner sentenced to either of said reformatories, as the condition of increased privileges, or of release from their control, which system shall be subject to revision from time to time. Each prisoner shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for dereliction, negligence and offenses. Each prisoner's account of marks or credits shall be made known to him as often as once in each month. The said board of

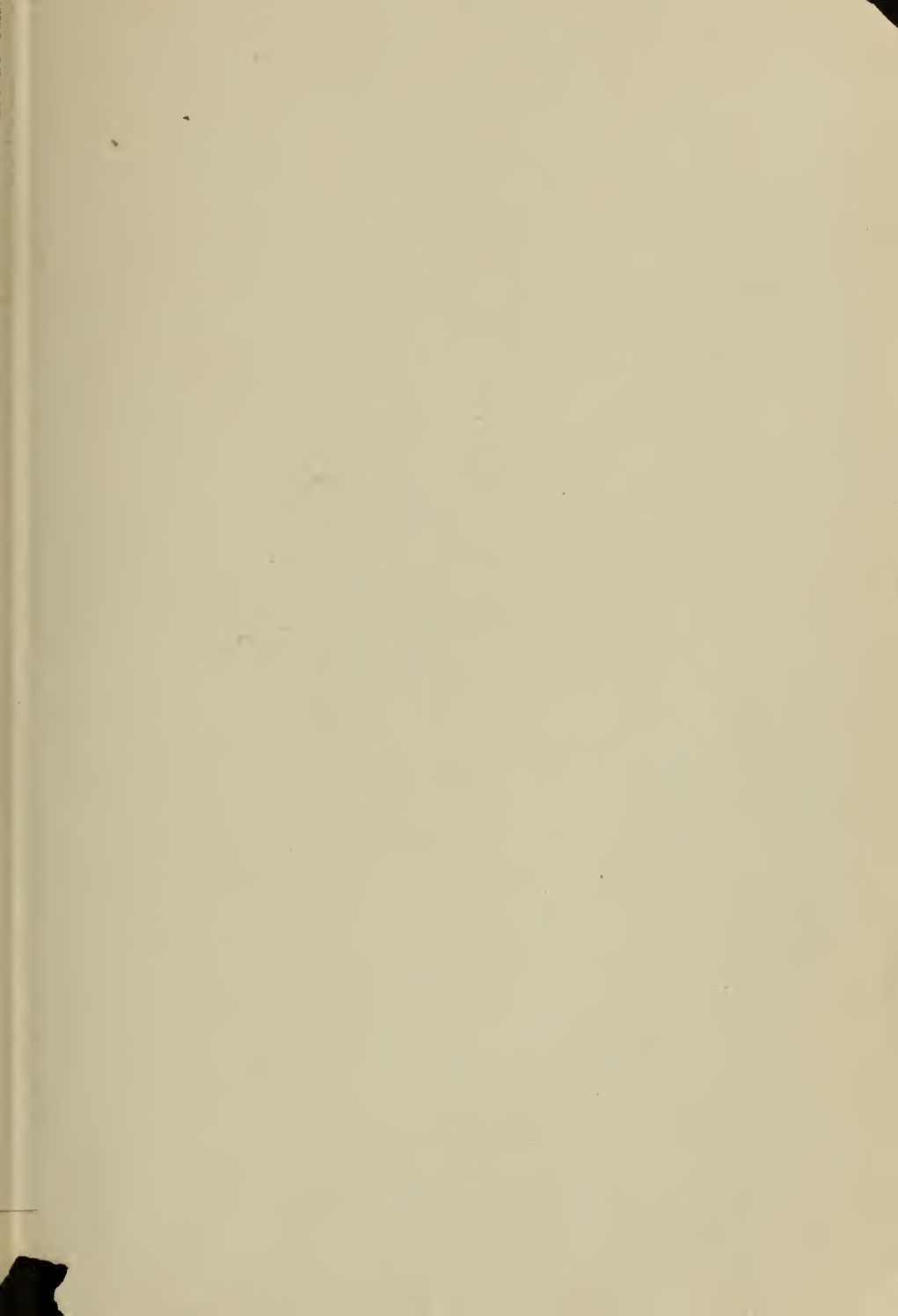
managers shall make rules by which each prisoner shall be permitted to see and converse with some member of the board of managers at stated periods. An abstract of the record in the case of each prisoner confined in each of said reformatories shall be made semi-annually, showing the date of admission, the age, the crime, place of conviction, court or judge by whom sentenced, the situation at the time of making such abstract, whether in a reformatory, or state prison, the hospital for insane criminals or elsewhere, whether any and how much progress or improvement has been made, and the reason for release or continued custody or transfer as the case may be, the names of those deceased during said period, with cause of death. Such abstract shall be considered by the said board of managers at a regular meeting and filed with the secretary of state.

§ 304. Absolute release from imprisonment from reformatories; discharge. When it appears to the state board of managers that there is strong or reasonable probability that any prisoner will remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, they shall issue to such prisoner an absolute release or discharge from imprisonment. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation in any case.

§ 305. Sentences for a definite period to reformatories. If, through oversight or otherwise, a person be sentenced to imprisonment in either of said reformatories for a definite period of time, such sentence shall not, for that reason, be void, but the person so sentenced shall be entitled to the benefits and subject to the liabilities of this article, in the same manner and to the same extent as if such sentence had been made for an indefinite period of time in the manner provided by the penal law.

§ 306. Supervision of prisoners paroled from reformatories. The state board of managers may appoint and at pleasure remove suitable persons in any part of the state, who shall supervise paroled prisoners and perform such other lawful duties as may be required of them by such board. Such persons shall be subject to the direction of the board. They may be paid a reasonable compensation for their services and expenses which shall be a charge upon and paid from the funds of said reformatories.

§ 307. **Sentence to reformatories.** Any person who shall be convicted of an offense punishable by imprisonment in either of said reformatories, and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this article, and not otherwise. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the state board of managers, as authorized by this article; but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced.



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